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House of Representatives

The House met at 10 a.m.

The Reverend Ronald F. Christian, Director, Lutheran Social Services of Fairfax, VA, offered the following prayer:

Almighty God, Your glory is made known in the heavens, and the firmament declares Your handiwork.

With the signs of Your creative goodness all about us, we must acknowledge Your presence in our world, through Your people, and within us all.

So, therefore, we pray for Your mercy when our ways are stubborn or uncompromising and not at all akin to Your desires.

We pray for Your guidance in the choices and chances of life, so that Your wisdom will inform our decisions.

And, we pray for Your grace so that we can place the consideration of others before the promotion of self.

For Herculean efforts given by common folk who serve their brothers and sisters every day in quiet love without the herald of trumpet or headline, we give You thanks, O God.

And, for the Olympian challenges faced every day by courageous people who are struck down by disease or destruction, we ask O God, for Your intercession.

Bless our days and our deeds in Your peace. Amen

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 353, nays 43, answered ''present'' 1, not voting 33, as follows:

[Roll No. 14]

YEAS—353

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman

Tiahrt	Watkins	Wicker
Tierney	Watt (NC)	Wise
Towns	Watts (OK)	Wolf
Traficant	Waxman	Woolsey
Turner	Weldon (FL)	Wynn
Upton	Wexler	Yates
Walsh	Weygand	Young (FL)
Wamp	White	
Waters	Whitfield	

NAYS—43

Abercrombie	Gutierrez	Pascrell
Baldacci	Gutknecht	Pickett
Becerra	Hastings (FL)	Poshard
Borski	Hefley	Ramstad
Clay	Hilleary	Schaffer, Bob
Clyburn	Hilliard	Scott
Costello	Hinchey	Sessions
DeFazio	Kucinich	Stupak
Deutsch	LoBiondo	Taylor (MS)
English	McDermott	Thompson
Filner	McNulty	Velazquez
Fox	Menendez	Visclosky
Gephardt	Moran (KS)	Weller
Gibbons	Obey	
Green	Olver	

ANSWERED ''PRESENT''—1

Spratt

NOT VOTING—33

Berry	Harman	Oberstar
Callahan	Hunter	Riggs
Clement	Hyde	Rush
Crane	John	Schiff
Crapo	Johnson (WI)	Smith (OR)
Davis (IL)	Lantos	Snowbarger
Edwards	McDade	Talent
Ensign	Miller (FL)	Torres
Eshoo	Mink	Vento
Furse	Nadler	Weldon (PA)
Gonzalez	Norwood	Young (AK)

□ 1023

Mr. TAYLOR of Mississippi changed his vote from ''yea'' to ''nay.''

Mr. EVERETT changed his vote from ''nay'' to ''yea.''

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. CAMP). Will the gentleman from Kansas (Mr. TIAHRT) come forward and lead the House in the Pledge of Allegiance.

Mr. TIAHRT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The CHAIRMAN. The Chair will entertain ten 1-minute speeches on each side.

HONORING PRISONERS OF WAR ON THE 25TH ANNIVERSARY OF THE END OF THE VIETNAM WAR

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I rise today to draw my colleagues' attention, and the country's attention, to the 25th anniversary of the end of the Vietnam War, and in particular to the sacrifice and the service to America of prisoners of war and their families.

I think it is all too easy in peacetime to forget exactly how much was sacrificed. I think it is all too easy to forget that the young men and women we have in Bosnia, the situation developing in Iraq, the 38,000 young Americans in Korea, all of them are risking their lives, separated from their families, doing what it takes so that America can be free and safe.

We in this House have the great honor to serve with a man who was courageous in fighting for his country, a man who was courageous in serving as a prisoner of war, a man who came back to continue serving his country as a State legislator and a Member of Congress.

We all today have a chance, not just here in the Congress to vote on a resolution honoring prisoners of war, but to call on every county, every city, and every State some time during this 25th anniversary year to hold an event honoring those who have been prisoners of war, honoring their families and their children, recognizing what they do for all of us, and recognizing how much our freedom depends on their sacrifice.

I urge all of my colleagues to join me in recognizing a great American who we are privileged to have serve with us, the gentleman from Texas (Mr. SAM JOHNSON).

PROTECT EFFICIENT, GOOD QUALITY HOME HEALTH CARE

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. MCGOVERN. Mr. Speaker, because of an ill-advised provision in last year's budget agreement, providers of home health care all across America are in danger of being forced out of business. Many of these home health agencies have been crucial in our efforts to control health care costs.

Unfortunately, because of the way the budget agreement was drafted, Medicare reimbursement rates for some agencies will be higher than others simply because of how those agencies structure their fiscal years. Further, the agreement requires that home health care agencies be in compliance with Federal spending caps before the government tells agencies what those caps are. Mr. Speaker, where is the logic in that?

Today I am proud to introduce a bipartisan bill with the gentleman from Utah (Mr. COOK), and 18 other cosponsors, that will help these providers to continue their important work.

Mr. Speaker, our bill allows home health care agencies, if they wish, to calculate their caps based on 1995 levels rather than the 1994 levels mandated by the budget agreement. The bill also takes into account the wide variety of agency fiscal years and allows for more home health care visits to our seniors under the caps. Finally, we push back the date of compliance, giving providers time to meet the requirements.

This problem is big and getting bigger. I urge my colleagues to join me in protecting efficient, good quality home health care. Our senior citizens deserve no less.

Mr. Speaker, I submit the following for the RECORD:

NATIONAL ASSOCIATION FOR HOME CARE,
Washington, DC, February 10, 1998.

Hon. JAMES P. MCGOVERN,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE MCGOVERN: On behalf of the National Association for Home Care (NAHC), the nation's largest home health organization representing home care providers, caregivers and the patients they serve, I would like to commend you for introducing legislation that would address some of the devastating inequities in the interim payment system (IPS). We wholeheartedly support your legislation, which will delay its implementation and change the base year for calculation of per-beneficiary caps.

As you know, IPS became effective with cost reporting periods starting October 1, 1997. The new per-beneficiary limits, however, will not be published until April. This means that approximately 2/3 of home health providers will be on the new IPS without knowing what their per-beneficiary limits will be. Your legislation, by delaying the implementation date, would ensure that providers would not have to be ''flying blind'' under a wholly new system.

Equally important is your provision which would change the base year for calculation of the per-beneficiary caps from fiscal year 1994 to ''fiscal year 1995 or, at the election of the agency, calendar year 1995.'' This change will level the playing field among agencies and cap reimbursement rates at more reasonable amounts.

Once again, thank you for your leadership on this most important issue. We look forward to working with you to assure passage of the legislation. Please contact Eric Sokol or Lucia DiVenere of my staff if we can be of any assistance to you.

Sincerely,

VAL J. HALAMANDARIS,
President.

HOME HEALTH CARE ASSOCIATION OF MASSACHUSETTS, INC.,
Boston, MA, February 11, 1998.

Hon. JAMES P. MCGOVERN,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN MCGOVERN: On behalf of the 155 members of the Home & Health Care Association of Massachusetts, I am delighted to offer our full endorsement of the McGovern/Cook bill that amends the Interim Payment System for Home Health Care under the Balanced Budget Act of 1997. We understand that Senator Kennedy will be filing a companion bill in the Senate.

It is our belief that the McGovern bill is a sensible attempt to retain Congress' intent to slow the growth in the home health industry while correcting the provisions of the law we believe are unreasonable and unworkable.

Your unwavering advocacy on our behalf has given our members hope that the inequities of the Interim Payment System may be corrected. The patients who depend on the services are grateful.

Once again, many, many thanks for your support of the home health industry.

Sincerely,

KEN MCNULTY,
President.
PATRICIA KELLEHER,
Executive Director.

INDEPENDENT COUNSEL TO INVESTIGATE INTERIOR SECRETARY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, yesterday the announcement was made that an independent counsel will be appointed to investigate Interior Secretary, Bruce Babbitt. To this I say: It is about time.

Mr. Speaker, let us review what has happened here. When asked to explain why he denied a particular Indian gaming license, Secretary Babbitt responded that the administration instructed him to do so. Next, he denied ever having said that. Then he denied ever having made that denial. Finally, he has admitted that his original lie is the truth and that we just all have a big misunderstanding.

Well, Mr. Speaker, perhaps it is a misunderstanding, but somewhere between all the lies, all the denials, and all the misunderstandings, a $300,000 campaign donation was made to the Democratic Party in exchange for governmental action against the noncontributing Indian tribe.

Hopefully, the independent counsel will be able to sift through the lies and find the truth. Clearly, the American people deserve no less.

□ 1030

CASEY MARTIN

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, Casey Martin is a 25-year-old young man who lives in America, the land of opportunity. He suffers from K–T–W syndrome which is a circulatory disorder in his right leg which causes great pain when he walks significant distances. Notwithstanding that, he had the courage to become a second team all-American on the Stanford golf team. The Professional Golfers Association said that the ADA did not apply to Casey Martin and it was not designed or intended to apply to competitors in professional sporting events.

The judge felt differently and sustained what I think we in this body felt, that somebody with a disability ought to be given a reasonable accommodation to participate as fully as their courage and commitment would allow.

Gary Phelan, a disability expert, was quoted as saying that the ADA was about opportunity, not pity. Casey Martin was the victim of fate, but he was not defeated by that disability. He has competed and prevailed. It was a great day for America yesterday when he was allowed to compete fully to the extent of his ability.

PARENTAL FREEDOM OF INFORMATION ACT

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, yesterday I introduced the Parental Freedom of Information Act along with 48 other cosponsors. It is an act which will empower parents to guide and participate in the education of their children.

Teachers have told me that involved parents are the most important thing public schools need to help students learn. I believe involved parents must be informed parents.

The Parental Freedom of Information Act will ensure that parents have access to curriculum and testing materials to which their children are exposed and will require parental consent prior to any student being required to undergo medical or psychological testing or treatment while at school. Again, that is, before any mandatory medical exams or treatment or mandatory psychological testing, parents must be notified for their consent.

This legislation in no way seeks to influence the content or curriculum of tests. It simply allows parents to access the basic information which involved parents need to guide the education of their children.

Most of us agree that when parents get involved in their child's education, their children do better in school and their schools become stronger. This legislation will help remove the obstacles that prevent parents from being involved. So let us get behind the Parental Freedom of Information Act.

ON MEXICO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a CIA report says Mexico's powerful Interior Minister is dirty. He is tied to drug cartels and he turned a blind eye to drug trafficking. A blind eye to 7 tons of narcotics crossing the border every single day, 14,000 pounds?

After all this, the White House is officially certifying Mexico as a cooperating partner in our war on drugs. Unbelievable. Some war on drugs. The Interior Minister is dirty.

Their last drug czar was on the cartel's payroll, and 14,000 pounds a day are poisoning America. Beam me up. Evidently there is not as much testosterone at the White House as there is rumored to be. I say, let us secure our borders with the military who are falling out of chairs without armrests overseas.

Let us straighten out our country, Congress. And let us declare war on narcotics.

LOCAL RADIO

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Mr. Speaker, many of us take our local radio and TV stations for granted. Whenever we want to see the news, the weather, our favorite show, we can simply turn on our televisions 24 hours a day, 7 days a week. But there is another commitment our local broadcasters make, a commitment to our communities.

I am pleased today to commend the good work being done by stations in eastern North Carolina. Radio and television stations alike in the area run thousands of public service announcements each year covering every topic from alcohol abuse to senior issues. In addition, many eastern North Carolina stations play an active role in worthy causes such as raising funds for children's hospitals, collecting contributions to the Toys for Tots program and gathering pledges for local food banks. Whether it is helping the needy, protecting us with storm information or covering the local news, local broadcasters have built a great legacy of public service.

I come to the floor today to salute the fine work of broadcasters in eastern North Carolina and throughout the Nation, and to let them know that their efforts are appreciated.

PUERTO RICO

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, three days from today, 100 years ago, the USS Maine exploded in Havana, an incident that started the Spanish American War, a war that Americans proudly entered to free Cuba from Spanish rule, a war that also liberated Puerto Rico from Spanish rule, but turned Puerto Rico into a U.S. territory.

We have now been a territory of the United States for 100 years and we have been disenfranchised U.S. citizens for 81 years. Can any Member of Congress give us one good reason why 3,800,000 American citizens should be denied the right to vote and the right to representation? Puerto Ricans are part of the great American family, but a century has passed us by and we remain disenfranchised as a colony at a time when colonies are not only unfashionable but embarrassing to a Nation that preaches democracy throughout the world and calls for a plebiscite in Cuba. Congress has procrastinated on the solution to our political dilemma for too long.

Congress has the authority and the moral responsibility to approve H.R. 856, the U.S.-Puerto Rico Political Status Act, a bill for self-determination, a bill to pave the road to enfranchisement and equality.

IN TRIBUTE TO AMERICA'S PATRIOTS

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, 200 years ago George Washington, in his farewell address, said that the love of liberty was interwoven into the ligament of every American heart.

Our country has changed much over the last two centuries. But one thing that has not changed is the sentiment Washington expressed: The love of liberty still burns in every American heart. On countless battlefields around the world, American patriots for over two centuries have repeatedly taught us the eternal truth: freedom is never free.

We are reminded of their ready sacrifice today, as the Speaker of the House so eloquently noted, as we reflect upon those now who serve overseas in harm's way, and also as we reflect upon the fact that 25 years ago, our first American prisoners of war returned from Vietnam. One of those brave patriots who answered the call of freedom and paid an immeasurable price serves in this body with us today: The distinguished gentleman from Texas Mr. JOHNSON.

I am honored to join the Speaker and my colleagues in paying tribute to SAM JOHNSON, and all those patriots like him, for their heroism, for their sacrifice, and most of all for their love of liberty.

DEMOCRATS' AGENDA

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, as we speak, Democrats in the House and Senate are joining the President and the Vice President to talk about our agenda for America. That American agenda includes education, reducing class size, hiring 100,000 new teachers, health care, making sure that people in America can choose their doctor, can receive the quality care that they deserve; also securing Social Security, making sure that it is secure into the new millennium, making sure that we modernize it and to expand it so that 55- and 56-year-olds who have been excluded from their jobs, who have been laid off, can buy into a medical program for themselves and their families.

Mr. Speaker, we stand ready to serve the American citizenry. We are happy today that the Senate and House Democrats are joining the President and Vice President in announcing to America that we will work for them, but we will work in securing and making quality education for all our children.

Mr. Speaker, this is a great day for the American citizenry.

IRAQ

(Mr. PAUL asked and was given permission to address the House for 1 minute.)

Mr. PAUL. Mr. Speaker, the morning papers today recorded that Russia was providing weapons technology to Iraq. We have known for years that China has done the same thing. Does this mean that we must attack them as well as Iraq?

Instead, though, we give foreign aid to both China and to Russia, so indirectly we are subsidizing the very weapons that we are trying to eliminate.

I would like to remind my colleagues that bombing a country, especially one halfway around the world that is not a direct threat to our security, is not a moral act. A moral war is one that is defensive and a legal war is one that is declared by Congress. We should only pursue an act of war when our national security is threatened.

Bombing will solve nothing. It will open up a can of worms. We should not condone it. We should not endorse it. We should not encourage it.

Please think carefully before we permit our President to pursue this war adventure.

REFORM THE IRS NOW

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, just when we thought things could not get worse at the IRS, they have.

I picked up this Washington Post article last week. The title is ''IRS Goof Creates Returns That Keep Returning.'' At first I thought it was a joke, but then I learned that the IRS did make, in fact, a huge goof, about a million packets of 1040 forms sent out to the taxpayers had preprinted address labels. That is not going to do anyone any favors.

The famous world class computer system over at the IRS will read the bar code on the preprinted label and, one might ask, will it then send it to the proper location for processing? No, sir. It will not. It will send the form right back to you. In fact, we can even imagine the making of an infinite loop, with our 1040s just making around-the-world tours, back and forth between our houses and the IRS.

Mr. Speaker, the IRS is still out of control. It is enough. It is time for some radical reform at the IRS.

THE RUSH TO WAR

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, President Bush sent the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff and others to brief House Members prior to and during the previous Gulf War. This has not been done this time.

Most Members of this body know only what they have read or heard in news reports. Why this rush to war? Why all this eagerness to send young American men and women into harm's way? The case has not been made.

I am certainly not defending Saddam Hussein. I voted for the last Gulf War and many have forgotten how close that vote was. But last time Hussein had moved on another country and was threatening others. Many nations, including our own, have weapons of mass destruction, nuclear and otherwise. Has there been any overt action or indication that Hussein is getting ready to use his? We have not been told.

The American people are not clamoring for war, Mr. Speaker. War should be the most reluctant decision we make, and then only when there is no other reasonable choice. As ABC's Forrest Sawyer asked on Nightline last night, Are we about to do more harm than good?

RECOGNIZING SAM JOHNSON

(Mr. LARGENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARGENT. Mr. Speaker, I rise today to honor my colleague and friend, the Honorable SAM JOHNSON. Twenty-five years ago tomorrow, the gentleman from Texas (Mr. JOHNSON) left Vietnam after nearly 7 years as a prisoner of war. He was shot down April 16, 1966, while flying his 25th mission over Vietnam. SAM JOHNSON can teach us all a thing or two about valuing and never taking for granted our freedom because SAM JOHNSON lost his for 7 years.

I would like, Mr. Speaker, if I could, to read one paragraph, an excerpt from his book ''Captive Warriors.'' Its says a lot about the gentleman from Texas (Mr. JOHNSON), my friend.

''I turned my attention toward God. When the guards increased their patrols and their vigilance and my talks with Howie had to be stopped, I could still talk freely to God. I knew with certainty that He was present in that dark, cramped closet of a cell. He listened when I prayed. This I knew without doubt. He answered me. When Bible stories and verses of comfort came into my thoughts, I knew He placed them there. I was comforted and encouraged. And I began to know my creator in a way I had never known Him before.

''I know now in retrospect that God's intimate interaction with me in the Mint strengthened me and built my faith so that I would be able to trust him in the darkness of the terrible days that still lay ahead for me.''

SAM JOHNSON, a great American and defender of faith and freedom, we salute him today.

ATTACKING JUDGE STARR

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Former Arkansas Governor Jim Guy Tucker; Clinton business partners Jim and Susan McDougal; former Arkansas Judge David Hale; former Associate Attorney General and Rose Law firm partner of Hillary Clinton and golfing partner, Webb Hubbell; Arkansas businessman Eugene Fitzhugh; Arkansas businessman Charles Matthews; Arkansas appraiser Robert Palmer; Whitewater real estate agent Chris Wade; Arkansas banker Neal Ainley; former top Clinton aide Stephen Smith; Arkansas Little Rock developer Larry Kuca; and Arkansas businessman William J. Marks, Sr., 13 people either convicted or pleaded guilty.

□ 1045

I wonder how these people feel when they hear over and over again from James Carville and the Clinton attack machine, who defend ethical outrages that Judge Starr's investigations have ''turned up nothing.''

White House tactics bring to mind a tactic known to every trial lawyer: When you have the facts, argue the facts; when you have the law, argue the law; when you have neither the facts nor the law, attack the prosecutor.

Nothing to show? Maybe Judge Starr's attackers might want to ask those 13 people what they think.

DISMISSING THE ELECTION CONTEST AGAINST LORETTA SANCHEZ

Mr. THOMAS. Mr. Speaker, by direction of the Committee on House Oversight, I call up a privileged resolution (H. Res. 355) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 355

Whereas credible allegations by contestant Robert Dornan of election fraud in the 46th Congressional District of California were received by the House of Representatives and an investigation has been conducted under the authority of the Federal Contested Election Act;

Whereas that investigation was repeatedly hindered and delayed by the lack of cooperation by the Department of Justice, the Immigration and Naturalization Service, and key witnesses;

Whereas the delay and lack of cooperation included the following:

(1) The refusal of the Immigration and Naturalization Service to provide any information to the Committee on House Oversight until the Service was subpoenaed and the failure 8 months after the subpoenas to provide the accurate information needed by the Committee.

(2) The refusal of key witnesses to provide evidence under the provisions of the Federal Contested Election Act.

(3) The refusal of the Department of Justice, in complete disregard of a resolution passed by the House of Representatives, to enforce the Federal Contested Election Act by prosecuting any of the 11 witnesses who refused to comply with the provisions of such Act which require production of evidence on a timely basis;

Whereas despite the lack of full cooperation from witnesses and government agencies, the investigation of the election contest in the 46th Congressional District of California has resulted in evidence that over 700 illegal votes were cast in that election, including votes cast by persons who were not citizens of the United States;

Whereas the evidence of illegal voting comes from the following sources:

(1) The Registrar of Voters of Orange County has indicated that 124 absentee ballots were cast illegally in the November 1996 General Election.

(2) The Committee on House Oversight's comparison of Immigration and Naturalization Service records and Orange County voter registration records provide evidence that more than 600 additional votes were illegally cast in that election;

Whereas the number of votes shown to be illegal by clear and convincing evidence is less than the post-recount 979 vote margin by which the election was decided;

Whereas it is critical that the incidence of illegal voting be reduced and eliminated in future elections and that the ability of investigators in future election contests to detect and punish voter fraud be enhanced;

Whereas the Committee on House Oversight should continue its investigation of illegal voting practices and recommend to the House of Representatives legislative measures to reduce voter fraud and improve the integrity of the voting process; and

Whereas the Committee on the Judiciary and the Committee on Appropriations should closely examine the operations of the Department of Justice and the Immigration and Naturalization Service to ensure that proper steps are being taken to enforce the laws of the United States and accurately provide information on the citizenship status of individuals, as required by Federal law: Now, therefore, be it

Resolved, That the election contest of Robert Dornan, contestant, against Loretta Sanchez, contestee, relating to the office of Representative from the 46th Congressional District of California, is dismissed.

The SPEAKER pro tempore (Mr. CAMP). The reported resolution constitutes a question of the privileges of the House and may be called up at any time.

The gentleman from California (Mr. THOMAS) is recognized for 1 hour.

Mr. THOMAS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Maryland (Mr. HOYER), pending which I yield myself such time as I may consume.

Mr. Speaker, the resolution before us dismisses the contested election in California's 46th District. That is clearly the substance. The real story is that in the process of examining this particular contested election, it is clear that voter rolls across the country are suspect.

We all know that elections are fundamental to our democracy. Free and fair elections are essential in selecting our Representatives in this Republic. The belief on the part of people who cast their ballot that their ballot may be negated by someone who should not have been able to vote in an election erodes the fundamental basis of our democracy and our Republic.

There have been attempts in this process to argue that our concern about making sure that only those people who are eligible to be registered and, therefore, eligible to vote, was not the focus of our concern. Their arguments have been that, quite frankly, what we are doing is ''racist;'' that we are on a ''witch hunt.''

It is extremely difficult to understand why someone would not want to make sure that voter rolls are accurate. It is without contention, Mr. Speaker, that in those areas involving people who wish to become naturalized citizens that there are enormous problems today. We discovered just this week that the Immigration and Naturalization Service has hired one of the big five accounting firms to examine the way in which their process operates.

We have been accused of racism because we thought we needed some firmer identification than is currently available from the INS. The INS now admits that they are going to look at a proposal which requires digitized photographs and fingerprints at the beginning of the process, in the middle of the process, and at the end of the process.

It just seems to me that if that system is admittedly flawed, and that people have become citizens who should not have become citizens, or, even more regrettably, those private organizations who participated, ostensibly, in bringing this citizenship about, utilized the opportunity to interact with these nascent citizens in a way that put them on voter rolls illegally, has got to be investigated until it is resolved.

Included in the Coopers & Lybrand report is the suggestion that these private operations should be shut down. In the particular contested election in front of us, one of those private organizations, Hermandad Nacional, had 60 percent of the people it registered flawed. That kind of a ratio either indicates sloppiness or an unwillingness to follow the rules. Which clearly indicates we should not use these private organizations. Now, whichever instance it is, it simply means voter rolls are flawed.

Mr. Speaker, I yield 8 minutes to the gentleman from Michigan, (Mr. VERN EHLERS), the chairman of the task force, to give my colleagues an understanding of the details of this particular examination of an election beyond the normal examination of contested elections historically. And thank goodness we are finally looking at the problems behind the surface.

Mr. EHLERS. Mr. Speaker, I thank the chairman of the committee for yielding me this time. I am pleased to come to the House and report on the results of a very thorough investigation of the DORNAN-SANCHEZ contested election race.

I was given the following charge by the chairman of the committee, when I

took this task: I was asked to chair this task force because of my reputation for integrity and honesty, and he emphasized in the initial assignment that he wanted me to be fair, honest, factual and thorough. This charge was reinforced by the Republican leadership of the House several times during the course of this investigation when certain issues came up, and once again I was always encouraged to be fair, honest, factual and thorough in the investigation. And I have certainly attempted to do that because that is the way I want it to be.

It is regrettable that many false charges were made by the minority party, even on the floor of the House, during the course of this investigation. Because I felt it improper for anyone involved in the investigation to comment, I restrained my comments at that time.

Initially, there were several charges made in the contest documents filed by former Representative Dornan. As we examined these, we found that many of them simply could not be substantiated. But what we did find was that charges of illegal voting, specifically of fraudulent voting by noncitizens, could be substantiated and, in fact, were true.

The initial examination by the registrar of voters of Orange County discovered 124 absentee ballots which were invalid, and so that reduced the 979 vote margin by 124. The California Secretary of State did an independent investigation of the election, along with the Los Angeles office of the Immigration and Naturalization Service, and identified in their first pass 305 noncitizens who had registered to vote and had voted.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. EHLERS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I do not want to interrupt the gentleman's statement, but I want to ask him a question to clarify what he just said.

When the gentleman indicated that reduced the margin by 124, am I correct that in order to do that, we would have to assume that all of those votes were cast for the gentlewoman from California (Ms. SANCHEZ)?

Mr. EHLERS. Mr. Speaker, I thank the gentleman for calling that to my attention. I did not mean to imply that. Reducing the margin gets into another issue, but my point is that the reports from the Registrar of Voters and the Secretary of State certainly indicated substantial problems with the election.

Unfortunately, the national headquarters of the INS stopped the process by telling the Los Angeles office they were no longer allowed to cooperate with the California Secretary of State. At that point, the House Oversight Committee asked the INS to cooperate, and again we were told no. All this resulted in approximately a 3-month delay, until the committee issued subpoenas and the INS then responded to the subpoenas. The delay was most unfortunate because we wanted to wrap up the investigation quickly.

Another delay occurred with the subpoenas issued by former Congressman Dornan in an attempt to engage in the discovery process and get more information. All of those subpoenas were ignored by the recipients and no progress was made on that point.

Furthermore, the request by the House to the Department of Justice to enforce the subpoenas resulted in no action and, again, we incurred approximately a 3-month delay.

Finally, the Congress itself issued subpoenas to a few crucial witnesses and organizations, and after considerable work on our part and their part, they responded and we did get some information, although it is still in question as to how thorough that was.

I give this only by background to illustrate some of the difficulties encountered by the task force in attempting to ascertain the truth and, as I said, to be fair, honest, factual, and thorough.

Let me give a very brief report of the process and of the discoveries we made. This chart looks very complex because it is, and it is very hard to read because there is a lot of information on one sheet. I will not go through it in detail; I simply want to illustrate that the process started by getting a computer tape of the Orange County voter registration list, computer tapes of the INS database, and running comparisons. And that is what we started from.

The rest of the work primarily was going through the results of the computer match because we wanted to determine to the maximum extent possible what names had to be eliminated because they had proof of citizenship at time of registration to vote. So most of the work, contrary to what one might expect from a Republican majority task force, was not devoted to finding additional noncitizen voters but rather to prove that we could verify and document the results presented here.

□ 1100

Let me report now on what we discovered in terms of number of votes. After doing the computer check, eliminating obvious mismatches, we had an original number of 7,841 suspect votes. Upon further examination, going through not just the INS computer tapes but also through the INS written records and trying to clear up the many discrepancies we encountered, we discovered that 5,303 of the 7,841 actually were citizens and were legitimate registrants. So we subtracted that from the 7,841 and that indicated we still had 2,538 suspect registrants. Then, checking the voter records carefully, we determined that 1,718 of them, even though they had registered illegally, did not vote and so, therefore, had no impact on the election.

But it does illustrate the point that the chairman of the committee made a moment ago, this is definitely a matter of concern. Altogether, we have approximately 2,500 illegal registrants discovered in our process; and that has to be taken care of as a separate issue, through further legislation. That indicated that there were still 820 suspect registrants who did vote in the November 1996 election.

At that point we went into extensive examination of the data to try to document in the best possible way those that we could be certain were illegal noncitizens who voted, and the number that emerged was 624. We had circumstantial evidence that an additional 196 had voted but were unable to document it to my and our satisfaction; and, therefore, we decided not to include those in the total of questionable votes.

If we add to the 624 illegal noncitizen voters that we have identified the 124 absentee ballots that had previously been disallowed by the Orange County Registrar of Voters, then we discover 748 illegal votes. And that is the total that we had emerge as the number of illegal votes cast in that election. If one were to include those votes with circumstantial evidence of illegality, there would be 944.

Let me remind my colleagues again, the margin of victory was 979. Let me also remind my colleagues, the three options open to the committee and the task force were, number one, to dismiss the election, simply saying there is not sufficient proof to change the result of the election; number two, to say the evidence was so overwhelming in favor of the contestant that we had to overthrow the election and seat Mr. Dornan; and number three, to simply say, we cannot tell the result of the election, no one can tell the result of the election, and we vacate the seat and the State must call a new election.

It is our recommendation to the committee, and its recommended to the Congress, that we dismiss the election in view of the fact that the number of illegal votes we identified is less than the margin of victory that was previously determined.

Mr. HOYER. Mr. Speaker, I thank the chairman for yielding the time, and I yield 3 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a member of the committee.

Ms. KILPATRICK. Mr. Speaker, I thank my distinguished leader of the task force as we did our work. We appreciate his standing in and for all the work that he put into this committee and into the final report.

Mr. Speaker, we discussed this issue now for 13 months and $2 million of the taxpayers' money. I am happy that we finally came to a concluding approval that the case should be dismissed. We said that over and over again on this side of the aisle for the last 13 months. And we believe then, as we believe now, that there was no case against the gentlewoman from California (Ms. SANCHEZ), as has been documented by the Orange County grand jury, citizens

in that district, as has been documented now by the Republican secretary of state.

Mr. Speaker, there has been much time spent on this issue. Ms. SANCHEZ and some of our Members have been threatened. I myself received a threat on last Monday that my brains would be blown out because of my stance on this very important issue. What is at stake here is, Mr. Speaker, the Voting Rights Act: Should American citizens, and we mean citizens of America, be allowed to participate in the voting process that this country has. I believe that we should.

The 1965 civil rights law and the 1964 Voting Rights Act said that we ought to allow American citizens to participate. Was there fraud in this election? The Orange County grand jury said no. The Republican secretary of state said no. And more than that, the gentlewoman from California (Ms. SANCHEZ) won with over 900 votes, a solid victory.

It is unfortunate that we had to spend this time. I want to remind my colleagues that in 1964, when Rosa Parks, who was my constituent, by the way, refused to give up her seat, she did so because she believed that America was the land of the free and the home of the brave, she believed that civil rights ought to be afforded all American citizens and that those same citizens ought to be allowed the privilege to vote.

I fully support the registration of all citizens. I think that any impairment or any attack on the Voting Rights Act is despicable and we must fight against it. I believe that as we move to the new millennium in this country that we take all American citizens with us. Those that are disenfranchised, we ought to bring them also into the American dream.

Mr. Speaker, as a Member of this Congress for the first year and now in my second year, I am delighted to have served on the House Oversight in this hearing process. It certainly has grown me up and taught me that as we work for the American citizens we can speak out and speak up, that when we do right by the people who elected us, we have a better America for all of its citizens.

I am convinced that the Voting Rights Act is a very real part of that. I will fight vehemently any proposals that would weaken that Voting Rights Act for all American citizens.

I rise in support of the wisdom of Congress in dismissing the challenge by former Congressman Robert K. Dornan and ending, once and for all, the election that was certified by the people of the 46th Congressional District of California and by California's Republican Secretary of State. Although I voted for the legislation as a member of the House Oversight Committee, I voted for it with some trepidation and concern. I would also like to take this opportunity to thank the members of the Task Force for their hard work and diligence, especially the gentleman from the State of Maryland, STENY HOYER. Congressman HOYER's tireless efforts toward justice for the people of the 46th Congressional District, none of whom, I might add, will be able to vote for him in the fall, speaks to the highest aspirations and goals of public service. I am proud and privileged to serve with Congressman HOYER and Congressman SAM GEJDENSEN, my Democratic colleagues on the House Oversight Committee.

The legacy of the protection of voting rights for minorities in the United States was a hard-fought battle that saw its culmination in the adoption of the Voting Rights Act of 1965. Despite entreaties to the contrary, there has been no demonstration from the Majority that any changes to our current registration laws—proof or documentation of citizenship to register to vote, or to allow states to require Social Security numbers on voting registration applications—are needed or necessary to ensure the accuracy and validity of our nation's elections. A grand jury in California, and the Republican Secretary of State, concluded that no fraud occurred in this election of a Democratic member of Congress. After 13 months and $2 million in taxpayer's dollars in wasted funds, we have concluded 748 people may have—I emphasize, may have—voted improperly. Of this total, 124 of these ''suspect'' voters were elderly and disabled people who submitted absentee ballots. In California, ten million people voted. This resulted in one contested election, and of that, 748 votes may have been improperly cast. While this is not perfect, a 99.99 percentage for voting accuracy is certainly a pretty good electoral record.

We all want open, honest and fair elections and registration processes. What should not happen, as a result of this decision by the House Oversight Committee, is the further disenfranchisement of voters by even more restrictive registration requirements. As we all know, this would only be the beginning of the recurrence of poll watchers, literacy tests, and poll taxes—other relics of a bygone era that died with the adoption of the Voting Rights Act of 1965. These, and other further and unwarranted voting rights restrictions, hinder the progress and freedom of not just minorities, but of all Americans. Tomorrow will mark the anniversary of the founding of the Southern Christian Leadership Conference (SCLC), an organization founded by the late Martin Luther King, Jr. As we all know, it was the courage, bravery and dedication of a current resident of my Congressional District, Rosa Parks, whose single-minded refusal to negotiate her principles, led in no short measure to the adoption of the 1964 Civil Rights Act and the 1965 Voting Rights Act. Thirty-three years later, I am afraid that we are witnessing the beginning of the end of that hard fought battle.

I am also concerned about this legislation's precedence for tort law. While I am not an attorney, it was my belief that one of the principles in law is that the loser pays. It befuddles and confuses me as to why the legal bills of the loser, former Representative Robert K. Dornan, are being reimbursed along with those of the winner, Representative LORETTA SANCHEZ. It is unfortunate that Congressman HOYER's attempt to eliminate this patently unfair provision was not approved by the Committee.

I fully support the full and unfettered access to registration and voting for all U.S. citizens. I will continue to fight against any further erosion of the Voting Rights Act, and encourage my colleagues in Congress to do the same. Access to voting denied to a single senior citizen casting an absentee ballot, to a newly-naturalized citizen, or someone who has voted in the last several elections, based on a peremptory analysis of one's race, creed or ethnicity, is access to voting denied to us all.

Mr. THOMAS. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. NEY), a member of the contested election task force.

Mr. NEY. I thank the chairman for yielding me the time.

Mr. Speaker, let me go over a few, I think, important points of what occurred through the task force. I want to commend the gentleman from Michigan (Mr. EHLERS) for his integrity and thoroughness on the issue, and also the gentleman from California (Mr. THOMAS), the chairman, and all members of the task force for going through the entire process.

But the task force found evidence of over 700 illegal voters. Now 124 of those were illegal absentees, according to the Orange County Registrar, because of the procedure. But also in the area of noncitizens, 600 noncitizens, based on matching of INS and voter lists, in fact voted in this election. Now that is two-thirds of the entire total margin of victory.

I know we cannot say who they would have voted for. I fully realize that. I do not know who those people would have voted for. But I think it has got to be pointed out that in fact these 600 voters existed in this election.

Now as far as the evidence of over 1,700 more illegal registrations, there is evidence that there were 1,700 more. They did not vote but they could have in any election throughout California or anywhere else; if in fact illegal voters exist, they can vote.

Now the task force, I think this is important, confirmed that 60 percent of Hermandad's registration was illegal. That bothers me because Hermandad Nacional Mexicana registered 1,160 persons. Sixty percent were not properly registered, they were illegal. And that means that taxpayers across this country also, because there were taxpayers' dollars involved with this group, paid for that. Now I do not think that is a good use of any taxpayers' dollars across this country. I think the conclusion is the system for detouring voter fraud is flawed.

I just want to say something about the attack on voters' rights. This is not an attack on voters' rights. This is standing up as the United States House of Representatives, in a United States congressional election, and supporting voters rights. All we ask is that those voters be citizens. And under the California law, they were not citizens.

So the final conclusion of this task force, I think, points out that it is not about who won or lost, but it is about the American people, who become very, very apathetic in voting across the country. And American people know that the United States House looked

into illegal voters and that after this we follow up together on a bipartisan basis to ensure that the best elections are held in any State and in any district across the country.

The bottom line of this is that there has been a lot of things said and people's emotions. If we listen to our voice mail, threats run both sides I guess. But I think that the significant point to this is that at the end of the day, when Bob Dornan came to us and said that there were illegal voters, Bob Dornan was right, there were illegal voters, 600 noncitizens in that election.

But the other thing that Bob Dornan did with his tenacity, and I know nobody likes these types of hearings, it is not pleasant for anybody, but it does point out that in fact we have flawed elections in the country, elections, the election process, that we have to correct if we expect voters to have confidence in the United States congressional elections or in elections all the way down through the courthouse level across this country.

Mr. HOYER. Mr. Speaker, I yield myself 30 seconds.

I want to say just to clarify as this debate proceeds, our side believes, based upon what we have been able to count, we categorically deny that there is substantial proof that there is anywhere near the number of 600, 500, 400, 300, 200 confirmed noncitizen voters in this election.

Now, the majority has not shown us their analysis yet, so we cannot analyze their figures. But ours show that their figures are wildly inflated.

Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding.

Mr. Speaker, this has got to be a bittersweet moment for the gentlewoman from California (Ms. SANCHEZ). The women Members of Congress rejoiced when a new woman joined us in 1996, bringing the number of Hispanic women finally to four. But my colleague was forced to win her seat twice; first at the polls, and then from a baseless challenge in the Congress itself.

Her ordeal has been unworthy of a body that promises democracy and fair representation. But she has shown herself to be a fighter extraordinaire. The attempt to steal her seat has raised her status from simply one more excellent new Member to one of heroic proportions throughout this country.

The best way to make this one right is for every Member of this House to congratulate her and wish her well. LORETTA, you won, not once but twice.

Mr. THOMAS. Mr. Speaker, might I inquire of the time on both sides?

The SPEAKER pro tempore (Mr. CAMP). The gentleman from California (Mr. THOMAS) has 14¼ minutes remaining, and the gentleman from Maryland (Mr. HOYER) has 24½ minutes remaining.

The gentleman from Maryland has 25½ minutes remaining.

Mr. HOYER. Mr. Speaker, we have two or three people coming. We moved pretty quickly here, and we are waiting for somebody to yield to.

Would the gentleman like to take one speaker, then we will take one?

Mr. THOMAS. My understanding from the Speaker is that you have 10 minutes more than we do. And it is usually customary in debate to try to even the time up. You have 25 minutes. We have 14.

Mr. HOYER. If you have one more short speaker, if you will take that, then we will take a long stretch of time to do exactly that.

Mr. THOMAS. I tell the gentleman that I have a number of speakers that want to speak a long time. The outrage of what went on requires a lot of time consumption.

Mr. HOYER. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. GEJDENSON), distinguished ranking member.

Mr. GEJDENSON. Mr. Speaker, it is with great pleasure that I come to the floor today. This last 14 months need not have occurred. What was clear from the very beginning was that the gentlewoman from California (Ms. SANCHEZ) had won her seat in Congress, she had won it by a substantial majority, a majority that exceeded the majority of the Speaker of the House in a previous election. The process we went over which lasted these months was completely irregular.

□ 1115

It was partisan, it was an attempt to create a crisis where none existed, and frankly, it is the wrong message to send to the American people. In a country that has virtually half its citizens not registered and only half of them showing up to the polls, with the percentage of people voting and registering on a continuous decrease, this is a wrong message to send to America.

It is clear from the very beginning, from the court action taken in this case, that this was a legitimate victory; and the only reason we may be here today is over a battle of several elections ago in a case in Indiana, nothing to do with the gentlewoman from California. Had the majority adhered to the law, we would have dismissed this motion in its first days.

Our previous colleague, Mr. Dornan, maybe properly thought, but when he looked at several homes in the district and found 18 people with different names in one house, that there was something irregular. One house turned out to be an establishment for a religious order; the other was a military facility or house where military individuals lived together quite legally, all registered legally. And if polling information tells us anything, the Marines probably voted for Mr. Dornan, and he might have even gotten a small portion of the religious order as well.

We need to end this process today, and I will vote for this resolution, although there is much in this resolution that is inaccurate, and it seems to be a rationalization in the last 14 months.

My daughter happens to be here today, and I was waiting until she got here with a class from this community of new immigrants to America. My parents came to this country in 1949, and by 1950–1951 we were living in the State of Connecticut. My parents broke no laws. When my mother saw a uniformed officer, she would tremble because of her experiences under the Nazis and Stalin.

To have a major political party in this country have a record where it put ballot security police only in areas of immigrants is an outrage to what this country stands for. We ought to be encouraging new immigrants to participate in this system, not trying to intimidate them from that participation.

The laws we have in this country need to focus on fraud. The grand jury found none. Where there are humans, there are mistakes, but this was a clean and fair election, and what we do here today is right, but it is late. Let us move forward and free this district and give the honor and respect to our colleague she deserves.

I would like to particularly mention the great work the gentleman from Maryland (Mr. HOYER) has done in this case, and appreciate his efforts in this one and a previous election.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am not pleased that the primary argument being made is once again name calling and guilt by association. In the minority's own views that were filed today, they say there may have been mistakes, problems or even illegalities in the election in the 46th district. Our job was to get to the bottom of that. I am just sorry that there was an attempt to argue something entirely different than what this was about, and apparently it continues on the floor even today. It simply will not wash.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, first and foremost, when the integrity of our election process is in question, it is certainly something that should be investigated when we have made it more easy for illegal aliens to register to vote with this motor voter program that was put in place several years ago. Of course, we want to make sure that the people who are voting in elections are legally entitled to vote; otherwise we are diminishing the rights of our own people.

This is a case that should have been investigated. Something smelled about that election from day one. Hermandad has received a great number, a great amount of Federal funding. Hermandad, an organization that was deeply involved in LORETTA SANCHEZ'S campaign, received Federal funds, and they ended up registering to vote people who are not entitled to vote. Sixty percent of the people in that, who are

registered by that organization, were not legal voters.

This is something that deserved to be looked into, and I think that we have not proven or disproven exactly who won or did not win that election in the 46th.

Mr. HOYER. Mr. Speaker, it gives me a great deal of pleasure to yield 2 minutes to the distinguished chairperson of the Hispanic Caucus, the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Speaker, the voters of the 46th Congressional District have reason to celebrate. After a year of investigation and political posturing with a taxpayer price tag of $1 million, the Republican leadership has been forced to give up its investigation because it has found nothing to substantiate its claims that the gentlewoman from California (Ms. SANCHEZ) was not duly elected by the voters in her district.

The 46th District can celebrate with pride because, in spite of Republican attacks and efforts to discredit their vote and their Congresswoman, the gentlewoman from California (Ms. SANCHEZ), fought back with dignity and honor to protect their right to elect their representative while at the same time working diligently and effectively on their behalf in the halls of Congress.

It is unfortunate that the Republican leadership refuses to accept the facts and gracefully allow the gentlewoman from California (Ms. SANCHEZ) to serve her district. Instead they have chosen to resort to tactics unworthy of their leadership position by introducing this unfairly worded resolution.

Nonetheless, this issue must be dismissed, and I ask my colleagues to vote aye.

Mr. HOYER. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from the 46th district of the State of California (Ms. SANCHEZ), making it clear that at no time was there any evidence or allegation that she did anything other than act properly during the election in the 46th District.

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for this time and for his diligent and effective representation for the citizens of Orange County. I thank also the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Connecticut (Mr. GEJDENSON), the gentlewoman from Michigan (Ms. KILPATRICK), and the gentleman from New Jersey (Mr. MENENDEZ), who have each carried a special burden in this cause. And to all of my colleagues on this side of the aisle and to a handful on the other, congratulations.

They were right. When others were spreading false and dark and shameful allegations of criminality and conspiracy, they stood tall for justice, and their judgment was confirmed by 19 honest citizens on a grand jury of Orange County.

It was unfortunate to call this process an election contest. It causes some to think that this is a game. It is serious business whenever we contemplate throwing out a single ballot in any race, especially when a voter has never been confronted with the evidence against them.

It is not over. In the coming days the committee intends to have these suspects purged from the voting rolls despite overwhelming evidence that the vast majority were legal voters last November.

I hold here in my hand an official document of the committee. However, the committee is so ashamed of this political hit piece it would not even put its own name on it. I say to the gentleman from California (Mr. THOMAS), his document contradicts his own task force chair, the gentleman from Michigan (Mr. EHLERS).

It is rebutted by 4 sworn statements. It is refuted by the indisputable fact that the accuser claims he was in possession of an absentee ballot even before they were distributed by the Republican registrar of Orange County. And finally, he leaves out the fact that he was a disgruntled fired employee of a school district and that he made his accusation against a school board member who refused to order his reinstatement and who was not an employee of my committee.

A word about racism: We searched the CONGRESSIONAL RECORD for the last Congress and found 50 occasions when this House and the other body debated race-based outcomes. Of course, those references to racial preferences and reverse discrimination and race-based set-asides were about affirmative action. Whenever this Congress subpoenas government records of Americans at the INS, for a narrow slice of time in a small geographic region the outcome will be race-based.

In Grand Rapids, Michigan, the outcome would unfairly target Dutch immigrants; in San Francisco, the Chinese immigrants; in Miami, the Cubans would be unfairly labeled; and in Providence, Rhode Island, it would be Italians. Racism is persistent and as real today as it was 100 years ago.

As we honor the birth of a great leader, President Lincoln, let us resolve to understand these issues and to open our minds to do more to end this bias against any ethnic or racial subgroup.

I say to the gentleman from Ohio (Mr. NEY) I heard and understood him on this issue, and therefore I extend an invitation. If he will permit me to join him in a school in his district to discuss voter fraud or anything else, I will host him in my district to do the same.

And to the gentleman from Michigan (Mr. EHLERS), he says the Contested Election Act needs changes. I invite him to sit down with my staff and to do bipartisan reform.

And to the gentleman from California (Mr. THOMAS), his district and mine have serious problems with water reclamation projects. Half of our State today is declared an emergency. Could we not begin tomorrow by working together on this important issue?

And to the Speaker, the gentleman from Georgia (Mr. GINGRICH), I know of his proposal to launch a new effort in America's schools to teach civics. I challenge him to expand his ideals and ensure that every 17-year-old spends time learning about registration, the electoral system. Give them hands-on experience. Let them see what voting is about. We must do more to reverse the decline in voter participation in this country of ours.

And finally, I am reminded of 2 Sundays ago when I was the guest of honor at a Catholic mass in my district. The priest gave a sermon about rejection, the rejection Jesus felt when he was turned against and the rejection his Orange County parishioners felt when their votes were cast in doubt.

Today, Orange County is celebrating the dismissal of this case. I am going home to tell those parishioners that the faith they placed in this democracy has been honored, that they have not been rejected by those who stood tall in their defense, that here, uniquely in this world, justice will ultimately prevail on behalf of the voters of Orange County.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, included in that list, I hope, is working together to make sure that the modernizations in the INS that have been requested, including digitized photographs and fingerprints, are part of that order so that we can once and for all guarantee that the voting rolls are clean.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise to speak against the resolution beofre the House to dismiss the election challenge by Congressman Robert Dornan.

I believe the House is setting a terrible precedent on how to handle a contested election. Each Member is being asked to vote one way or the other on this highly important matter, but the vast majority of the Members have been unable to read, let alone see, the report from the House Oversight Committee regarding the contested election.

My staff has been trying since last Friday to obtain a copy of the committee report to review the details of this case. As of this morning, my staff still has not been able to get a copy.

This is no way to dismiss a contested election. How can I, as a Member of this body, fairly determine the accuracy of the House Oversight investigation without having the ability to review its report.

The Committee has discounted 624 votes. Beyond these votes, the Committee has listed an additional 196 votes as indicating circumstantial illegal noncitizen voting.

But the Committee is not adding the 196 additional possible illegal votes to the total. Why?

We have not been shown adequately why the 196 votes have not been added to the total. If we add the 124 absentee ballots that have been disallowed by Orange County and the recent subtraction of another 26 votes by the County due to voting in a non-residence and double registering, the total illegal votes documented and alleged is now 970.

Ms. SANCHEZ had been originally designated the winner by 979 votes, but now we have indication that a possible 970 votes were cast illegally—providing Ms. SANCHEZ with a victory by just nine votes.

Are we ready to dismiss an election challenge that has been deemed to have been won by 9 votes with over 900 potential illegal votes.

I do not believe we have given this election challenge its absolute fair review and the Committee has not done its job of informing the Members of the details of its investigation.

COUNTY OF ORANGE,
GENERAL SERVICES AGENCY,
Santa Ana, CA, January 17, 1997.

WILLIAM R. HART,
Hart, King & Coldren,
Santa Ana, CA.

DEAR MR. HART: Our office has concluded its review of the various lists submitted by you on December 17, 1996. Though it would be inappropriate to discuss individual voter records, I have provided below summary data which should clarify and offer perspective on the issues you have raised.

BUSINESS ADDRESSES

Of the 50 addresses submitted representing 122 voters, 8 of the addresses representing 29 voters were duplicated on your list. The resulting 42 addresses representing 93 voters were reviewed by staff. From the review the following was determined:

39 addresses representing 88 voters were locations which served as the voters' residence and, therefore, met criteria for registering to vote.

2 addresses representing 4 voters were locations which were not the voters' residence. Those records are being forwarded to the District Attorney for review and appropriate action.

1 address representing 1 voter was improperly entered in the computer system. The address information has been corrected. Both addresses were within the same ballot type for the general election.

REGISTRATIONS INDICATING THE VOTER WAS UNDER AGE

Two records were submitted which appeared to indicate the voters were not 18 years of age at the time of election. After reviewing the original and prior affidavits of registration, staff has determined both individuals are over 18 years of age and the discrepancies were caused by data entry errors.

ABSENTEE VOTER RECORDS

Of the 128 records submitted, 5 records were duplicated on your list. The resulting 123 records were reviewed by staff. From that review the following was determined:

59 records appear to have met the basic criteria of absentee return in person, by certain authorized relatives, or in emergency by a designated representative.

60 records do not appear to have strictly conformed to the criteria of EC 3017 but were executed by the voter.

4 records that the absent voter had not properly executed.

DUPLICATE REGISTRATIONS INDICATING POSSIBLE DOUBLE VOTING

Of the 114 registration groupings submitted, 17 registration groupings were duplicated on your list. The resulting 97 registration groupings were reviewed by staff. From that review the following was determined:

67 registration groups, though appearing to indicate duplicated records on your list, were actually separate individuals with similar registration data.

19 registration groupings had duplicate records. However, after reviewing original documents, information does not support the conclusion that any of these voters actually voted twice. The duplicate registrations have been canceled.

11 registration groupings, representing 11 voters, have been referred to the District Attorney for review for possible Elections Code violations.

ADDRESSES WITH 6 OR MORE REGISTERED VOTERS

Of the 145 addresses submitted with 6 or more registered voters, two addresses were also submitted and reviewed as part of the business address list. Staff reviewed the remaining 143 addresses with the following result.

127 addresses appear to be residences with multiple families or large family groups.

11 addresses are apartment complexes.

5 addresses are large residential facilities.

AFFIDAVITS POTENTIALLY HELD MORE THAN 3 DAYS BEFORE SUBMITTAL TO THE REGISTRAR OF VOTERS

Holding records for more than three days not affect the voter's eligibility to vote.

''VOTED TAPE'' AND ''STATEMENT OF VOTES'' DO NOT MATCH

The ''voted tape'' is a tape of voter history and is not utilized in the official canvass. The ''voted tape'' is a computer product which is created from a static file of active voter registrations as of 29 days prior to the election and which are still active when the tape is created after the election and who have voted in the election. As a result the ''white provisional'' (NVRA Fail Safe) voters and ''new citizen'' voters are not included on the ''voted tape''. In addition, records canceled between election day and the creation of the tape will not appear on the ''voted tape''. Some voted records will not accurately reflect the method of voting.

The data you submitted was compiled by ''regular'' precinct and not ''consolidated voting'' precinct. This accounts for many of the discrepancies in the detail portion of your list. Due to the nature of the ''voted tape'' and the fact that the Statement of Votes is compiled by ''consolidated voting'' precinct, this office will address only the summary totals on your report.

The report submitted indicated 106,255 ballots cast on the Statement of Votes and 104,270 voters on the ''voted tape''. Staff has reviewed our ''voted tape'' and has determined there are 104,447 individual voter records on the ''voted tape''. Therefore, that shall be the base number used.

''Voted tape'' total	104,447
''White provisional'' voters not included on ''voted tape''	666
''New citizen'' voters not included on ''voted tape''	218
Canceled records not included on ''voted tape''	464
Total	105,795

This leaves a difference between the ''voted tape'' and the Statement of Votes of 460 records. The 460 records indicate an average of two data entry errors per ''consolidated voting'' precinct.

The information you have submitted has been valuable in providing an additional opportunity for this office to review various aspects of our operation. Thank you for bringing your concerns to my attention.

Very truly yours,

ROSALYN LEVER,
Registrar of Voters.

□ 1130

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ), one of our deputy whips.

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I want to thank the distinguished gentleman from Maryland (Mr. HOYER) not only for yielding, but for all of his work on behalf of not only the gentlewoman from California (Ms. SANCHEZ), but our community, which looks at this case with great, great interest.

Mr. Speaker, the dismissal of this witch hunt is a victory for justice and integrity and respect for the electoral process. It is a victory for the gentlewoman from California (Ms. SANCHEZ) and the people of California's 46th District who elected her. It is also a victory for the Hispanic American community who stuck together and fought this battle, despite attacks on our privacy, on our honor, and on our very citizenship, our citizenship.

They underestimated how much that meant to us, those of us from families who came here fleeing political persecution, or from nations without basic rights know and honor the value of our vote. That truth was on our side, and that truth won out.

Mr. Speaker, 15 months ago, Bob Dornan claimed a vast conspiracy of voter fraud stole that election from him, but the California Secretary of State did not find any evidence to proof his charges, a grand jury in Orange County did not find enough proof to issue a single indictment in the case. The exhaustive taxpayer-funded $1 million, 14-month investigation produced no ultimate proof to overturn the election, and the Republican-dominated oversight committee itself was forced to recommend dismissing the charges because there was not enough evidence to back up Mr. Dornan's outrageous charges.

One would think that all of these facts would be enough for Republicans to admit that Mr. Dornan's claims were simply false. Instead, in this resolution, Republicans blame various government agencies and officials, from the INS to the U.S. Justice Department, as well as various witnesses in the case, for preventing them from getting the proof they needed.

I have another, more rational explanation for the lack of evidence. It does not exist. That is the reality, and that is why Hispanic Americans across the country are today rejoicing in this decision but not forgetting in November about what some in this House tried to do to our basic rights.

Mr. THOMAS. Mr. Speaker, could I inquire as to the time remaining?

The SPEAKER pro tempore (Mr. CAMP). The gentleman from California (Mr. THOMAS) has 13 minutes remaining, and the gentleman from Maryland (Mr. HOYER) has 14 minutes remaining.

Mr. THOMAS. Mr. Speaker, I yield to the gentlewoman from Washington (Ms. DUNN), a former member of the committee.

The SPEAKER pro tempore. The gentlewoman from Washington (Ms. DUNN) is recognized for how long?

Mr. THOMAS. One minute, Mr. Speaker, plus the time that people have been getting after each speaks.

Ms. DUNN of Washington. Mr. Speaker, I rise to thank the Committee on House Oversight because I think that the committee has shown great courage in considering this challenge to an election.

For decades, we never took a second look at challenges and there was a deal made between both sides of the House of Representatives, and nothing was ever done. I think there were among those four decades of challenges probably some very good and useful basis. However, why I am particularly thankful to Chairman THOMAS and the committee for looking at this challenge is that it has brought to public view some very serious problems that exist for people who run elections and for citizens who should have the right to elect their own representatives themselves.

Specifically, I am talking about the whole area of motor voter and the whole area of the requirement that one must be a citizen before he or she votes. I did work as a party chairman in Washington State for 11 years, and I must say we had the cleanest elections of all of the States in the Nation during that time. Most of it is due to the success of our Secretary of State, Ralph Munro, who himself was an early supporter and initiator of motor voter.

But the problem exists in this sort of scenario, Mr. Speaker. Last year when I renewed my driver's license, the man behind the counter asked me to come back there and look at some documents. He showed me a stack of documents this high that he told me were illegal documents used by people to get their driver's licenses, upon which they would get the guaranteed right to vote. Those were people who were not citizens, then using the national ability of a citizen to vote.

This is a big problem, and to the degree to which this investigation leads us to analyze and do oversight over the whole motor voter issue so that citizens will be required to vote, and that people who are not citizens of our great Nation will not have the authority to put into positions representatives of our Nation I think is a great achievement of this investigation, and I look forward to those oversight hearings that the Committee on House Oversight will have and to our Secretary of State, Ralph Munro, for providing testimony, as he has agreed to do and looks forward to doing.

Mr. HOYER. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, we consider today an issue that is perhaps the most fundamental issue that can come before the House: Who shall be elected representative of a congressional district. It is a decision that the Constitution of the United States places in the hands of two entities. First instance, the voters of our districts, the people, and then secondly, the Members of this House to judge whether that election was conducted properly.

It is, therefore, a matter of great importance that should be approached with caution, serious consideration, thorough and fair analysis, and nonpartisanship. It is with regret, frankly, that I stand before my colleagues today to say that while I believe the decision the majority is recommending is correct and appropriate, the process that preceded that decision is not one I hope that future Congresses will replicate.

The procedures set forth in the Federal Contested Election Act, under which this contested election was supposed to be considered, are quite clear and have been used under Democratic and Republican majorities. The procedures that the task force and the committee undertook in this election contest were not consistent with the act, in my opinion, and were not fair, and were certainly not bipartisan.

From the beginning of this contest, I repeatedly sought a bipartisan process whereby we could agree on the procedures and the issues before us. I was disappointed that throughout the last 14 months, those efforts were continually and consistently rebuffed. So closed has this process been that as I stand before my colleagues today, I have only just received a copy of the majority's report. In fact, contrary to assertions and commitments that were made to me, I have never been given the majority's analysis of the votes in question to this very day. I, nor any other Member on this floor, with the possible exception of the two Republican task force members and the gentleman from California (Mr. THOMAS), have seen the analysis on which the numbers that we have heard earlier today are based.

It is incomprehensible to me that I come to the well of this House with absolutely no idea how the majority reached its findings. Although I am a full member of the task force, I have yet to see the list of names behind the numbers on the majority's report. I have agreed to keep that confidential, and I appreciate the chairman's observation that in fact every name has been kept confidential.

However, because the minority, after a fight, had access to the data received from the Immigration and Naturalization Service, I can make some judgments about the majority's numbers.

My colleagues cannot read this chart, I understand, any better than we could read the majority's chart. Why? Because as the gentleman from Michigan (Mr. EHLERS) said, it has been a complicated process. But I point out to my colleagues only that the minority staff, smaller and with less information, did, in fact, analyze and go through all of the votes and all of the names that were generated during the course of this investigation.

The minority staff on the Committee on House Oversight undertook an extensive and exhaustive analysis of the data from the INS and other sources. The minority undertook a diligent and exhaustive review of the records before us.

An enormous database was developed which included information on Orange County registrants who potentially matched an INS individual, all naturalization data about the individual that was available, including electronic and hand written notations, and all relevant information about the individuals registration date and voting status. First, the minority had to reduce the massive list to those who actually voted in the 46th Congressional District, from this database we were able to discern individuals who had gender conflicts, obvious first name mismatches, obvious middle name mismatches, and individuals who were clearly American citizens by virtue of birth, parentage or naturalization date.

The INS repeatedly warned that their data could not be relied on for the purpose it was being used. Short of face-to-face interviews, we will never know for sure that the individual from the INS is indeed the same individual as the Orange County voter. Yet, given that caveat, some conclusions about the majority's number can be stated.

I can tell my colleagues that the number of voters who are described as illegal, noncitizen voters is greatly exaggerated, and that the majority's own evidence shows this. I want to show my colleagues a chart where we have analyzed some, not all, about 150, of the 346 or so that may be voters who are not identified by naturalization date. The fact of the matter is that we have found that 93 percent of the signature matches on suspect lists referenced by the, 93 percent, were in fact U.S. citizens on November 5, 1996.

I can tell my colleagues that rather than stonewalling and being uncooperative, the INS responded to more than 20 separate committee requests for either electronic data matches or paper file reviews. The INS has provided approximately 8,000 worksheets and nearly 3,700 signatures for the committee. I would tangentially inform everybody in this House, as I have before: This process has never been pursued before in the history of this Republic; not when the Irish immigrants moved into Boston, not when the Italian immigrants moved into Providence; not when the Polish immigrants moved into Chicago; not when the Jewish population moved into New York; never before in the history of America. Not once has this process been pursued.

Mr. Speaker, 72 different INS field offices, including five INS foreign offices, as well as district offices, sub-offices, service centers, asylum offices and headquarters assisted the committee in

this investigation. I can tell my colleagues that within 7 days of being subpoenaed by the Committee on House oversight, the INS provided the committee with its first list of names, over 500,000 from around the country. There were less than 110,000 people who voted in the congressional race in the 46th District, yet 500,000 names were generated by the INS in response to the majority's request.

I can also tell my colleagues that of the 748 votes that the majority contends are illegal votes by noncitizens, 124 of them concern absentee ballots. The registrar of elections who did an outstanding job during the course of the election and during the course of this investigation, Roz Lever, said that in a less contested election, she would count. Why? Because the only thing wrong with that citizens' vote was that it was delivered by the wrong person under the statute. It was an absentee ballot. It may have been a neighbor rather than a husband that was able to deliver that ballot, but they were citizens of the United States of America. Their citizenship was never in doubt. Although the majority talks about 748 noncitizens voting, they know that number is exaggerated.

Furthermore, I can tell my colleagues that beyond these absentee ballots, hundreds, hear me now, hundreds of the so-called illegal, noncitizen voters are indeed citizens, and have been for a very long time. While some may not have been citizens when they registered, a bone of legal contention, and I understand that, they were citizens when they voted. The massive net that the majority cast over the past 14 months included individuals that had been citizens prior to 1996, and hear me now, have been citizens of this country for over 20 years that are in the list that the majority has projected.

Let me make clear, at no time was there any credible evidence to show anything other than the election of LORETTA SANCHEZ. When Robert Dornan's initial allegations proved groundless, that should have been the end of this matter. But the majority wanted to prove a point. They wanted, for the first time ever to move the Federal contested elections act beyond a motion to dismiss. When even that effort proved fruitless, they turned to the INS.

This matter has taken longer than it should have, Mr. Speaker. The committee has had in its possession the evidence that it needed to reach today's conclusion for at least 5 months.

If the committee's initial request to the INS had been more focused, rather than the 500,000 person fishing expedition it was, we could have finished sooner. If the majority had managed the procedures of this case in a thoughtful and expeditious manner, rather than letting motions objecting to Mr. Dornan's overly broad and intrusive sit for months, we could have finished earlier. If we could have come together and reviewed the evidence together, rather than duplicating staff and committee resources, we could have come to this House sooner.

Some people on this floor continue to talk about fraud. The district attorney had an extensive investigation. Allegations were made on this floor about individuals and about organizations.

□ 1145

The grand jury of California refused to indict a single person or single organization after hearing the evidence. As I said earlier, at no time was the gentlewoman from California (Ms. SANCHEZ) ever, ever implicated in any wrongdoing. It is right and proper that we sustain her election today.

The facts have told a different story than were originally projected. After a yearlong investigation by the DA no crimes have been found. The DA of Orange County could not convince a grand jury of 19 citizens to indict anyone. The gentlewoman from California has been found, as we knew it to be the case, to have won this election. Mr. Speaker, I am glad this has finally come to an end.

Mr. Speaker, I would simply say that I will offer a motion to recommit so that the only thing in the resolutions is to do what we should have done in February of last year: Dismiss this complaint that did not provide credible evidence, as required by precedents for the last 30 years, to show anything other than the gentlewoman from California won cleanly, fairly, and obviously the election in the 46th Congressional District in 1996.

Mr. THOMAS. Mr. Speaker, would you please indicate to me how much time is remaining on each side.

The SPEAKER pro tempore (Mr. CAMP). The gentleman from California (Mr. THOMAS) has 11 minutes remaining. The gentleman from Maryland (Mr. HOYER) has 5 minutes remaining.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MICA), a member of the Committee on House Oversight.

Mr. MICA. Mr. Speaker, what we are talking about here today is one of the most important responsibilities given to the Congress, and that is to be a judge of its own Members in contested elections.

Mr. Speaker, this resolution is about fraud in a contested Federal election. This important responsibility is not a game of horseshoes where if we get close, we win. This is about one of the most sacred responsibilities and opportunity every American has, and that is to cast an honest and fair and open ballot.

The question today is, did fraud occur? And the answer is yes, fraud did occur in this. We have information from the county, we have information from the State, we have information from Federal agencies. But we just heard the gentleman from Maryland speak at the well who said that we do not have all the information necessary.

Mr. Speaker, I today protest the closing down of this investigation of fraud, and I am dismayed by what has taken place by some on the other side, what they have done. The tactics are, first of all, smear the investigation. Try to discredit it. Call it partisan. Call it a witch-hunt. Fail to cooperate. And not just that side of the aisle, but Federal agencies, INS, the Department of Justice. And then some who have been involved in this fraud have fled the country so we cannot talk to them. Does all of this sound familiar?

Finally, the most repugnant part of the tactics of the other side is to come and disrupt the proceedings of the floor. My concerns is that we cannot act through intimidation in this process. We cannot act through obstruction. We cannot act through delay. If we pervert the electoral process, we destroy faith and confidence in the entire system.

Mr. Speaker, this election is one of the worst cases of voter fraud in the history of Federal elections. Again, this is not a game of horseshoes. This is a fact that we have got to 700 and we have stopped counting.

Mr. Speaker, this Congress has spent millions and millions of dollars to ensure fair elections in Haiti, in Bosnia, in countless developing nations and developing democracies across the world. Yet, we cannot ensure an honest election and fair election in the 46th District and there are still on the rolls 1,700 illegal voters, according to our information.

Let me say that history will record the closing down of this investigation of fraud and this election with disdain. My grandparents were all immigrants. The greatest day in their life was when they became an American citizen. The second greatest day was when they were able to cast a vote, because they often did not have that opportunity from where they came.

The integrity of that vote has been disparaged here today. What have we done to the vote that I and they cherish? If those who close down this investigation were taking a wrecking ball to the side of this House of Representatives' chambers, I do not believe they could do more damage to this institution than what they are doing today.

Mr. HOYER. Mr. Speaker, I do not know how many speakers that the majority has left. I may be the only remaining speaker. Right now, we do not have the other speakers here and we know where they are and they are aware and they obviously cannot get back.

Mr. THOMAS. Mr. Speaker, we have the right to close and we have two speakers. Is the gentleman from Maryland saying that he is the only one remaining or there will be additional ones arriving?

Mr. HOYER. Mr. Speaker, at this time I am the only remaining speaker that we can find, because we note two of our speakers who want to speak, the gentleman from Michigan (Mr. BONIOR), the minority whip, and the gentleman from California (Mr. BECERRA), the chairman of the Hispanic Caucus, both wanted to speak. Both of them are at another event right now. We are trying to get them here. I am the only speaker remaining.

Mr. THOMAS. Mr. Speaker, the gentleman from Maryland indicates he is the only speaker remaining, thus I yield 5 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, the forest almost gets lost for the trees. Seven hundred forty-eight illegal votes were found by clear and convincing evidence. Now I, like a number of other Members, sat down and got debriefed by the committee and that was my question: When the smoke cleared, were there illegal votes cast? Were there illegal voters involved? The answer on both counts was yes.

Mr. Speaker, I yield to the gentleman from California (Mr. THOMAS), chairman of the committee, to ask: Does this accurately represent the finding of the committee?

Mr. THOMAS. Mr. Speaker, that is correct.

Mr. HUNTER. Mr. Speaker, reclaiming my time, 748 illegal votes were found by clear and convincing evidence.

Mr. Speaker, I say to my colleagues that this investigation was not driven by revelations that Bob Dornan produced. It was driven by the Los Angeles Times' report by a Hispanic reporter who reported that the Hermandad office had been raided and that 227 illegal voters, nonlegal voters, had been identified by authorities. That is what started driving this investigation, a Hispanic reporter.

Mr. Speaker, let me go to my second point. The Hispanic community is not against this investigation. At least the Hispanic community that I know. The Hispanic community that I served with in Vietnam. The Hispanic community in Southern California that believes in having free and fair elections.

Mr. Dornan, is a colleague and a friend who I traveled with to Central America when the democracy of Salvador was in question, the democracy of Honduras, the proposed democracy in Nicaragua was in question. I met with him in one of the last meetings with Jose Duarte, that great democrat of Salvador who brought them to freedom and democracy, and Bob Dornan said, ''This is one of the great people in our hemisphere. He is going to bring free elections to this country.''

Bob Dornan did exactly what every one of us would have done. If we had had a narrow election in which we thought we had won on Election Day, we were ahead in the votes, the absentee ballots came in when we were behind. And then we had a story come out and tell us that raids were being made and over 227 illegal voters had been found, which Member in this Chamber would not have rightly contested that election?

The gentleman from Connecticut (Mr. GEJDENSON) spoke and said there should have been no contest. The gentleman from Connecticut won one of his elections by 23 votes. Now, what if he had been told by the major newspaper in his town that 227 Republicans had been illegally registered? Would he have pursued that? Let us clear away the political baloney. Of course he would have pursued it. Of course we had a right to do this. Of course Mr. Dornan did what every single other Member would have done.

Now, he did not get the 900-plus votes that was the margin in the election, according to the committee's report and its analysis. But that was an incomplete report, in my view, for this reason: It did not review any of the illegal aliens who voted. It only reviewed people, the 10,000 or so people who had signed up with the system.

So if they never signed up with the system and if they were registered by one of these bounty hunters who got 10 bucks for registering and voting them for the party, like the bounty hunters who registered and voted the guy who assassinated the Presidential contender, Mr. Colosio in Tijuana, he was assassinated by a guy who had been registered twice by the Democrat Party in Los Angeles, of all places.

So those people who were registered, who were illegal aliens and who were not citizens, who had not signed up to be naturalized, were not identified. There is only one way to identify them. And the way to identify them is very difficult, very hard, very expensive. It costs about $5 million. We must go door to door and qualify every voter, once a prima facie proof of fraud has been found of illegal voters. We go door to door and we start with Adams and go to Ziegler and see if a person is a legal voter. It costs a lot of money and takes a lot of time. That is the other 90 percent of voters in this district. We did not do it.

Mr. Speaker, Bill Jones, secretary of state of California said, I want to do it. He announced he was going to do it in March of 1997, and he did not do it. He said, and I quote,

> Given the current state of the law, my hands are for all legal purposes tied. I am prevented from undertaking a large-scale citizenship qualification check of the Orange County voter file as I initially requested in March of 1997.

So, Mr. Speaker, put me down as feeling that this investigation is incomplete. I am going to vote ''no'' because I think it is incomplete, because once we made the prima facia showing of illegal voters we should have taken the time and taken the expense of $5 million to check the qualifications of every voter in the district.

Mr. HOYER. Mr. Speaker, I apologize, but we have had another event with the President going on. That is why we are having a little trouble.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. Mr. Speaker, I do this just to explain to all the Members that I do not want them to think that I am getting special advantage from the chairman. Mr. Speaker, am I correct if I called a quorum call at this time, I would be in order?

The SPEAKER pro tempore. That is in the discretion of the Chair, and the Chair does not have to entertain a call of the House at this time.

Mr. HOYER. But I could do that?

Mr. THOMAS. Mr. Speaker, my assumption was that the time was ordered, the time was allotted, and the time should be consumed.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CAMPBELL), someone who has been extremely helpful in getting us to understand the mathematical theories and the false assumptions that have underlain previous attempts to examine elections.

(Mr. CAMPBELL asked and was given permission to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, it is my prayer that today we can put our animosities behind us and that is the reason why I asked to speak.

Mr. Speaker, I wish to say that it is my view that the gentlewoman from California ought to have her attorneys' fees paid, because she is the prevailing party. I believe that in civil litigation, and that should apply here.

□ 1200

I also believe that my good friend and colleague, the gentleman from Michigan (Mr. EHLERS) has done a very fine job and that it was unfair to criticize him as much as he has been criticized. He is an honest man and he did his very best.

The same goes for my good friend and colleague, the gentleman from California (Mr. THOMAS). What lasts from this, what comes out of this that might be of permanent value is that we should in the future have a standard for those cases where we cannot prove ballot-box stuffing, but where the number of persons who voted, who should not have, exceeds the margin of the outcome.

That is a case that is ambiguous in existing law. I think it is a good rule, going forward, that when the number of cases of illegal voters exceeds the margin, we have to hold a new election. That seems to me safe.

Lastly I would say that the more important thing even than that lesson is that we not let the rancor continue. I welcome my colleague from California as a fellow Californian. I trust that all of us can put this behind us for the good of our Congress and the good of our Nation.

The SPEAKER pro tempore (Mr. CAMP). The gentleman from California (Mr. THOMAS) has 2 minutes remaining, and the gentleman from Maryland (Mr. HOYER) has 5 minutes remaining.

Mr. HOYER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I agree with the gentleman from California. The rancor ought to pass from us. I will tell my friend from California that there would have been far less rancor if this had been a more open process, and we had felt included in this process.

I think I have the reputation of being a fair Member who can work with both sides of the aisle. I value that reputation and I value that mode of operating. But I will tell my friend that there are clearly some erroneous things that are being said on this floor: 748 illegal votes. Nobody on this floor knows that there are 748 illegal votes that were cast in this election. I guarantee it. I guarantee it as someone who has worked pretty hard on this case, who has read all the precedents, who has read not the majority report, because I just received it at 10 minutes of 10:00, but read all of our report, all our lawyers' reports, and investigated as much as I could with the time I had available on matches of signatures.

We believe that there is a general issue here, but that, very frankly, the House has been hurt in the attempt to establish a new precedent with respect to the level of credible evidence necessary to get a Member to the time when they have to respond to as prolonged and expensive contest as this has been.

The distinguished gentleman from California (Mr. HUNTER) said that we were not proceeding on Mr. Dornan's allegations. He was absolutely correct. It was the gentleman from California (Mr. HUNTER) that said that. We believe that is the case. What we were proceeding on was information garnered by the committee, not on the contestant's case. Indeed, the contestant does not have all the information, in my opinion, that he should have right now. But neither does the contestee. But it is time for us to dismiss this case. It is time for us to go beyond this and indeed it is time to free the gentlewoman from California (Ms. SANCHEZ) from the bondage which has been this case, and allow her to fully represent the people of the 46th District. She has been doing so well and I know she will continue.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. BONIOR), minority whip.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) has 2 minutes remaining, and the gentleman from Maryland (Mr. HOYER) has 3 minutes remaining.

Mr. THOMAS. Is the gentleman's intention to yield the additional minute, if necessary, or is he going to reserve it?

Mr. HOYER. Mr. Speaker, I will finish our time before yielding back.

Mr. BONIOR. Mr. Speaker, I thank my colleague from Maryland (Mr. HOYER) for his work on this, my colleague from New York and my colleague from New Jersey (Mr. MENENDEZ), my colleagues who worked on this issue.

In 1996, the voters of Orange County elected LORETTA SANCHEZ and they defeated Bob Dornan. That is the way American democracy is supposed to work. Voters get to choose who they want to represent them in the Congress.

For the past 15 months Bob Dornan and the Republicans have forgotten that. They questioned the integrity of thousands of Hispanic voters. They wasted more than a million dollars of taxpayer money. They ran after so many false leads, stumbled into so many dead ends, jumped to so many conclusions, I am surprised they can still stand up today.

In the end, they came up empty. In the 15 months the Republicans could find no evidence, no evidence that LORETTA SANCHEZ did anything but win her election fair and square. So the Republicans finally are giving up. They are giving up because they have no case.

I do not really expect the Republicans will apologize to the gentlewoman from California (Ms. SANCHEZ), but they ought to. I do not expect the Republicans will apologize to the thousands of Hispanic Americans for questioning their right to vote merely on the basis of their ethnic heritage, but they ought to. And I do not really expect the Republicans will apologize to the voters of Orange County for trying to undermine their constitutional rights, but they ought to.

LORETTA SANCHEZ won the 1996 election fair and square. Grudgingly, the Republicans have to acknowledge that. But now they are trying to cover up their retreat with an ugly cloud of innuendo and a bill that will be before us in just a few minutes to discourage minority voters from casting their ballots at election time.

This campaign of intimidation has got to stop. Republicans must accept that voters get to choose who they want represented in this Congress.

LORETTA, congratulations on your victory. Your courage is an inspiration to us all.

Mr. HOYER. Mr. Speaker, I yield myself the balance of my time.

We come to the end of a long and somewhat torturous time in this House. I congratulate the majority for coming to its conclusion. I think it is an appropriate and correct conclusion.

I regret the rhetoric that is included in the preamble to that conclusion. I think it is erroneous. I disagree with it. For that reason, Mr. Speaker, at the appropriate time I will make, as I said earlier, a motion to recommit with instructions. That motion to recommit will simply provide for the passage of the dismissal of the complainant's contest. That is what we ought to do. That is what facts show. It is time that we do so.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise with humility, and I rise with a sense of freedom that today we will be able to free LORETTA SANCHEZ, finally free LORETTA SANCHEZ.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I find it ironic the picture that is painted by the now minority in terms of this process. Would that someone who held a valid election certificate signed by the chief election officer of their State been allowed to be seated, the Democrats did not seat him. The Republicans honored the certificate of election.

We do things differently than you do. You name-call. You argue that there is no fraud in this election and yet, based upon your minority report, you indicate that there were flaws in the election. You argue that the INS data is not sufficient for us to prove our point, but you use the same INS data to say that our point is invalid. You cannot have it both ways.

I understand you are disappointed that you are no longer the majority and you can not continue to shut down questionable elections as you did for 40 years. But what this majority now will do on this case and in the future is to get to the bottom of problems in elections.

One thing this House can do is thank Mr. Dornan because he looked at the Contested Election Act and said, it is a catch-22 if people can stonewall while trying to get to the bottom of it.

It has been said on your side that you need to know the truth. The truth will set you free. What is wrong with trying to get to the bottom of what happened in an election? If you try to find out who the honest voters were, you are automatically a racist. If you try to determine an accurate count, it is a ''witch-hunt.''

What in the world do you folks do with a recent headline that says ''INS Proposing Citizenship Test Overhaul''? There is a new screening process to cut fraud and delays.

It was the political people, the political appointees of the Department of Justice who stonewalled. We are familiar with that tactic from this administration.

The professionals at INS cooperated initially in California. Had we gotten that kind of cooperation, we would have brought this to a conclusion much faster. We did not have a preordained result. We wanted to get to the bottom of it. We have gotten to the bottom of it as best we are able. We need to change the laws to fully understand who is on the rolls, responsibly and properly, and who is not.

Ms. CHRISTIAN-GREEN. Mr. Speaker and my colleagues, I rise to thank my colleagues on the other side of the isle for finally having the courage, after 15 months and over one million of wasted taxpayer dollars spent, to dismiss the completely unfounded challenge of former Congressman Dornan to the election of LORETTA SANCHEZ.

This totally partisan investigation singled out Representative SANCHEZ and the voters of the 46th District of California for unparalleled scrutiny and harassment, the likes this body never saw before.

After hounding Ms. SANCHEZ and the Hispanic-Americans in her District for more than a year, with unfounded allegation after allegation, the majority has finally come to accept what many of us have known from the very

beginning, which was: That Ms. SANCHEZ was duly elected by the lawful voters of her district; and that officials in the State of California including, the Orange County District Attorney and the California Secretary of State, certified her election.

So I applaud my Republican colleagues for taking this action today. While I believe that this resolution is 10 months too late in coming to the floor, I am grateful that we can finally put this matter to rest and Ms. SANCHEZ can get on with doing the job she was elected to do. Thank you.

Mrs. KENNELLY of Connecticut, Mr. Speaker, I am very pleased that the House Oversight Committee has decided to dismiss the election contest against our colleague, LORETTA SANCHEZ.

Of course, this action took an unconscionable amount of time—more than a year has passed since Congresswoman SANCHEZ was seated in this House. Of course, this action involved charges that on their face had no merit but were nonetheless pursued. Of course, it is difficult to understand the action—except as an attempt to intimidate and distract a vulnerable new member of this House.

Nonetheless, I am pleased. And I would be glad to put this difficult chapter behind us—except that the majority is intent on writing a new chapter today.

The Oversight investigation turned up no evidence of large-scale non-citizen voting—not in Orange County, and certainly not nationwide. Why then are we being asked to consider this next piece of legislation? At best, it is unnecessary—a solution in search of a problem. At worst, it is an effort to intimidate naturalized American citizens from exercising our most precious right—the right to vote.

Mr. Speaker, I urge my colleagues to join me in congratulating LORETTA SANCHEZ—once again—in her election victory in November 1996. And I urge them also to join me in opposing the unfair and unworkable Horn bill.

Mr. THOMAS. Mr. Speaker, I would urge all colleagues to vote aye and I move the previous question on the resolution and on the preamble.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. HOYER. I am opposed to the preamble.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOYER moves to recommit the resolution H. Res. 355 to the Committee on House Oversight with instructions to report the same back to the House forthwith with the following amendment:

Strike the preamble.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS. As the motion was presented, it is its entirety. Can the gentleman then be partially for and partially against a motion to recommit? The gentleman is not opposed to the motion in its present form?

The SPEAKER pro tempore. The gentleman qualifies as being opposed to the resolution because he is opposed to the preamble which is not to be separately voted on under these circumstances. So therefore he is opposed to the resolution in its present form and he qualifies at this point.

The motion is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HOYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 194, nays 215, not voting 21, as follows:

[Roll No. 15]

YEAS—194

Abercrombie	Gejdenson	Meeks (NY)
Ackerman	Gephardt	Menendez
Allen	Goode	Millender-McDonald
Andrews	Gordon	Miller (CA)
Baesler	Green	Minge
Baldacci	Gutierrez	Moakley
Barcia	Hall (OH)	Mollohan
Barrett (WI)	Hall (TX)	Moran (VA)
Becerra	Hamilton	Murtha
Bentsen	Hastings (FL)	Nadler
Berman	Hefner	Neal
Berry	Hilliard	Oberstar
Bishop	Hinchey	Obey
Blagojevich	Hinojosa	Olver
Blumenauer	Holden	Ortiz
Bonior	Hooley	Owens
Borski	Hoyer	Pallone
Boswell	Jackson (IL)	Pascrell
Boucher	Jackson-Lee (TX)	Pastor
Boyd	Jefferson	Payne
Brown (CA)	John	Pelosi
Brown (FL)	Johnson, E. B.	Peterson (MN)
Brown (OH)	Kanjorski	Pickett
Cardin	Kaptur	Pomeroy
Carson	Kennedy (MA)	Poshard
Clay	Kennedy (RI)	Price (NC)
Clayton	Kennelly	Rahall
Clyburn	Kildee	Rangel
Condit	Kilpatrick	Reyes
Costello	Kind (WI)	Rivers
Coyne	Kleczka	Roemer
Cramer	Klink	Rothman
Cummings	Kucinich	Roybal-Allard
Danner	LaFalce	Rush
Davis (FL)	Lampson	Sabo
Davis (IL)	Levin	Sanchez
DeFazio	Lewis (GA)	Sanders
DeGette	Lipinski	Sandlin
Delahunt	Lofgren	Sawyer
DeLauro	Lowey	Schumer
Deutsch	Luther	Scott
Dicks	Maloney (CT)	Serrano
Dingell	Maloney (NY)	Sherman
Dixon	Manton	Sisisky
Doggett	Markey	Skaggs
Dooley	Martinez	Skelton
Doyle	Mascara	Slaughter
Edwards	Matsui	Smith, Adam
Engel	McCarthy (MO)	Snyder
Etheridge	McCarthy (NY)	Spratt
Evans	McDermott	Stabenow
Farr	McGovern	Stark
Fattah	McHale	Stenholm
Fazio	McIntyre	Stokes
Filner	McKinney	Strickland
Forbes	McNulty	Stupak
Ford	Meehan	Tanner
Frank (MA)	Meek (FL)	Tauscher
Frost	Taylor (MS)	Velazquez
Thompson	Vento	Weygand
Thurman	Visclosky	Wise
Tierney	Waters	Woolsey
Torres	Watt (NC)	Wynn
Towns	Waxman	Yates
Turner	Wexler	

NAYS—215

Aderholt	Gillmor	Packard
Archer	Gilman	Pappas
Armey	Goodlatte	Parker
Bachus	Goodling	Paul
Baker	Goss	Paxon
Ballenger	Graham	Pease
Barr	Granger	Petri
Barrett (NE)	Greenwood	Pickering
Bartlett	Gutknecht	Pitts
Barton	Hansen	Pombo
Bass	Hastert	Porter
Bateman	Hastings (WA)	Portman
Bereuter	Hayworth	Pryce (OH)
Bilbray	Hefley	Quinn
Bilirakis	Herger	Radanovich
Bliley	Hill	Ramstad
Blunt	Hilleary	Redmond
Boehlert	Hobson	Regula
Boehner	Hoekstra	Riley
Bonilla	Horn	Rogan
Brady	Hostettler	Rogers
Bryant	Houghton	Rohrabacher
Bunning	Hulshof	Ros-Lehtinen
Burr	Hunter	Roukema
Burton	Hutchinson	Royce
Calvert	Hyde	Ryun
Camp	Inglis	Salmon
Campbell	Istook	Sanford
Canady	Jenkins	Saxton
Cannon	Johnson (CT)	Schaefer, Dan
Castle	Johnson, Sam	Schaffer, Bob
Chabot	Jones	Sensenbrenner
Chambliss	Kasich	Sessions
Chenoweth	Kelly	Shadegg
Christensen	Kim	Shaw
Coble	King (NY)	Shays
Coburn	Kingston	Shimkus
Collins	Klug	Shuster
Combest	Knollenberg	Skeen
Cook	Kolbe	Smith (MI)
Cooksey	LaHood	Smith (NJ)
Cox	Largent	Smith (TX)
Crapo	Latham	Smith, Linda
Cubin	LaTourette	Snowbarger
Cunningham	Lazio	Souder
Davis (VA)	Leach	Spence
Deal	Lewis (CA)	Stearns
DeLay	Lewis (KY)	Stump
Diaz-Balart	Linder	Sununu
Dickey	Livingston	Talent
Doolittle	LoBiondo	Tauzin
Dreier	Lucas	Taylor (NC)
Duncan	Manzullo	Thomas
Dunn	McCollum	Thornberry
Ehlers	McCrery	Thune
Ehrlich	McDade	Tiahrt
Emerson	McHugh	Traficant
English	McInnis	Upton
Everett	McIntosh	Walsh
Ewing	McKeon	Wamp
Fawell	Metcalf	Watkins
Foley	Mica	Watts (OK)
Fossella	Moran (KS)	Weldon (FL)
Fowler	Morella	Weldon (PA)
Fox	Myrick	Weller
Franks (NJ)	Nethercutt	White
Frelinghuysen	Neumann	Whitfield
Gallegly	Ney	Wicker
Ganske	Northup	Wolf
Gekas	Norwood	Young (AK)
Gibbons	Nussle	Young (FL)
Gilchrest	Oxley	

NOT VOTING—21

Buyer	Furse	Peterson (PA)
Callahan	Gonzalez	Riggs
Clement	Harman	Rodriguez
Conyers	Johnson (WI)	Scarborough
Crane	Lantos	Schiff
Ensign	Miller (FL)	Smith (OR)
Eshoo	Mink	Solomon

□ 1232

Mr. NEUMANN, Mr. NETHERCUTT and Mrs. CHENOWETH changed their vote from ''yea'' to ''nay.''

Messrs. SKAGGS, TAYLOR of Mississippi, KENNEDY of Massachusetts,

and MURTHA changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. CAMP). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 378, nays 33, not voting 19, as follows:

[Roll No. 16]

YEAS—378

Abercrombie	Davis (IL)	Hill
Ackerman	Davis (VA)	Hilleary
Aderholt	Deal	Hilliard
Allen	DeFazio	Hinchey
Andrews	DeGette	Hinojosa
Archer	Delahunt	Hobson
Armey	DeLauro	Hoekstra
Bachus	DeLay	Holden
Baesler	Deutsch	Hooley
Baker	Diaz-Balart	Horn
Baldacci	Dickey	Houghton
Barcia	Dicks	Hoyer
Barrett (NE)	Dingell	Hulshof
Barrett (WI)	Dixon	Hutchinson
Barton	Doggett	Hyde
Bass	Dooley	Inglis
Bateman	Doyle	Istook
Becerra	Dreier	Jackson (IL)
Bentsen	Duncan	Jackson-Lee (TX)
Bereuter	Dunn	Jefferson
Berman	Ehlers	Jenkins
Berry	Ehrlich	John
Bilbray	Emerson	Johnson (CT)
Bilirakis	Engel	Johnson, E. B.
Bishop	English	Johnson, Sam
Blagojevich	Ensign	Kanjorski
Bliley	Etheridge	Kaptur
Blumenauer	Evans	Kasich
Blunt	Everett	Kelly
Boehlert	Ewing	Kennedy (MA)
Boehner	Farr	Kennedy (RI)
Bonilla	Fattah	Kennelly
Bonior	Fawell	Kildee
Borski	Fazio	Kilpatrick
Boswell	Filner	Kim
Boucher	Foley	Kind (WI)
Boyd	Forbes	King (NY)
Brady	Ford	Kleczka
Brown (CA)	Fossella	Klink
Brown (FL)	Fowler	Klug
Brown (OH)	Fox	Knollenberg
Bryant	Frank (MA)	Kolbe
Bunning	Franks (NJ)	Kucinich
Burr	Frelinghuysen	LaFalce
Camp	Frost	LaHood
Campbell	Gallegly	Lampson
Canady	Ganske	Largent
Cannon	Gejdenson	Latham
Cardin	Gephardt	LaTourette
Carson	Gibbons	Lazio
Castle	Gilchrest	Leach
Chambliss	Gillmor	Levin
Christensen	Gilman	Lewis (CA)
Clay	Goode	Lewis (GA)
Clayton	Goodlatte	Linder
Clyburn	Goodling	Lipinski
Coble	Gordon	LoBiondo
Coburn	Goss	Lofgren
Collins	Graham	Lowey
Combest	Granger	Lucas
Condit	Green	Luther
Conyers	Greenwood	Maloney (CT)
Cook	Gutierrez	Maloney (NY)
Cooksey	Hall (OH)	Manton
Costello	Hall (TX)	Manzullo
Cox	Hamilton	Markey
Coyne	Hansen	Martinez
Cramer	Hastert	Mascara
Crapo	Hastings (FL)	Matsui
Cummings	Hastings (WA)	McCarthy (MO)
Cunningham	Hayworth	McCarthy (NY)
Danner	Hefley	McCollum
Davis (FL)	Hefner	McCrery
McDade	Pitts	Smith, Adam
McDermott	Pomeroy	Snowbarger
McGovern	Porter	Snyder
McHale	Portman	Souder
McHugh	Poshard	Spratt
McInnis	Price (NC)	Stabenow
McIntyre	Pryce (OH)	Stark
McKeon	Quinn	Stenholm
McKinney	Radanovich	Stokes
McNulty	Rahall	Strickland
Meehan	Ramstad	Stupak
Meek (FL)	Rangel	Sununu
Meeks (NY)	Redmond	Talent
Menendez	Regula	Tanner
Metcalf	Reyes	Tauscher
Millender-McDonald	Riley	Tauzin
	Rivers	Taylor (MS)
Miller (CA)	Rodriguez	Thomas
Minge	Roemer	Thompson
Moakley	Rogers	Thornberry
Mollohan	Ros-Lehtinen	Thune
Moran (KS)	Rothman	Thurman
Moran (VA)	Roukema	Tierney
Morella	Roybal-Allard	Torres
Murtha	Rush	Towns
Myrick	Ryun	Traficant
Nadler	Sabo	Turner
Neal	Salmon	Upton
Nethercutt	Sanchez	Velazquez
Neumann	Sanders	Vento
Ney	Sandlin	Visclosky
Northup	Sanford	Walsh
Nussle	Sawyer	Wamp
Oberstar	Saxton	Waters
Obey	Scarborough	Watkins
Olver	Schaefer, Dan	Watt (NC)
Ortiz	Schumer	Watts (OK)
Owens	Scott	Waxman
Oxley	Serrano	Weldon (FL)
Packard	Sessions	Weldon (PA)
Pallone	Shadegg	Weller
Pappas	Shaw	Wexler
Parker	Shays	Weygand
Pascrell	Sherman	White
Pastor	Shimkus	Whitfield
Paxon	Shuster	Wicker
Payne	Sisisky	Wolf
Pease	Skaggs	Woolsey
Pelosi	Skeen	Wynn
Peterson (MN)	Skelton	Yates
Peterson (PA)	Slaughter	Young (AK)
Petri	Smith (MI)	Young (FL)
Pickering	Smith (NJ)	
Pickett	Smith (TX)	

NAYS—33

Ballenger	Gutknecht	Pombo
Barr	Herger	Rogan
Bartlett	Hostettler	Rohrabacher
Burton	Hunter	Royce
Calvert	Jones	Schaffer, Bob
Chabot	Kingston	Sensenbrenner
Chenoweth	Lewis (KY)	Spence
Crane	McIntosh	Stearns
Cubin	Mica	Stump
Doolittle	Norwood	Taylor (NC)
Gekas	Paul	Tiahrt

NOT VOTING—19

Buyer	Harman	Schiff
Callahan	Johnson (WI)	Smith (OR)
Clement	Lantos	Smith, Linda
Edwards	Livingston	Solomon
Eshoo	Miller (FL)	Wise
Furse	Mink	
Gonzalez	Riggs	

□ 1252

Mr. WATTS of Oklahoma changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 355, the resolution just agreed to.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from California?

There was no objection.

VOTER ELIGIBILITY VERIFICATION PILOT PROGRAM ACT OF 1998

Mr. PEASE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1428) to amend the Immigration and Nationality Act to establish a system through which the Commissioner of Social Security and the Attorney General respond to inquiries made by election officials concerning the citizenship of voting registration applicants and to amend the Social Security Act to permit States to require individuals registering to vote in elections to provide the individual's Social Security number, as amended.

The Clerk read as follows:

H.R. 1428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Voter Eligibility Verification Pilot Program Act of 1998''.

SEC. 2. VOTER ELIGIBILITY PILOT CONFIRMATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of Social Security, shall establish a pilot program to test a confirmation system through which they—

(1) respond to inquiries, made by State and local officials (including voting registrars) with responsibility for determining an individual's qualification to vote in a Federal, State, or local election, to verify the citizenship of an individual who has submitted a voter registration application, and

(2) maintain such records of the inquiries made and verifications provided as may be necessary for pilot program evaluation.

In order to make an inquiry through the pilot program with respect to an individual, an election official shall provide the name, date of birth, and social security account number of the individual.

(b) INITIAL RESPONSE.—The pilot program shall provide for a confirmation or a tentative nonconfirmation of an individual's citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry to the Commissioner.

(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

(d) DESIGN AND OPERATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The pilot program shall be designed and operated—

(A) to apply in, at a minimum, the States of California, New York, Texas, Florida, and Illinois;

(B) to be used on a voluntary basis, as a supplementary information source, by State and local election officials for the purpose of assessing, through citizenship verification, the eligibility of an individual to vote in Federal, State, or local elections;

(C) to respond to an inquiry concerning citizenship only in a case where determining whether an individual is a citizen is—

(i) necessary for determining whether the individual is eligible to vote in an election for Federal, State, or local office; and

(ii) part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(D) to maximize its reliability and ease of use, consistent with insulating and protecting the privacy and security of the underlying information;

(E) to permit inquiries to be made to the pilot program through a toll-free telephone line or other toll-free electronic media;

(F) subject to subparagraph (I), to respond to all inquiries made by authorized persons and to register all times when the pilot program is not responding to inquiries because of a malfunction;

(G) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, including violations of the requirements of section 205(c)(2)(C)(viii) of the Social Security Act;

(H) to have reasonable safeguards against the pilot program's resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of the pilot program.

(2) USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—To the extent practicable, in establishing the confirmation system under this section, the Attorney General, in consultation with the Commissioner of Social Security, shall use the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–664).

(e) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the pilot program, the Commissioner of Social Security shall establish a reliable, secure method which compares the name, date of birth, and social security account number provided in an inquiry against such information maintained by the Commissioner, in order to confirm (or not confirm) the correspondence of the name, date of birth, and number provided and whether the individual is shown as a citizen of the United States on the records maintained by the Commissioner (including whether such records show that the individual was born in the United States). The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

(f) RESPONSIBILITIES OF THE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION SERVICE.—As part of the pilot program, the Commissioner of the Immigration and Naturalization Service shall establish a reliable, secure method which compares the name and date of birth which are provided in an inquiry against information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and date of birth, and whether the individual is a citizen of the United States.

(g) UPDATING INFORMATION.—The Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subsection (c) or in any action by an individual to use the process provided under this subsection upon receipt of notification from an election official under subsection (i).

(h) LIMITATION ON USE OF THE PILOT PROGRAM AND ANY RELATED SYSTEMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this section for any other purpose other than as provided for under this section.

(2) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

(3) NO NEW DATA BASES.—Nothing in this section shall be construed to authorize, directly or indirectly, the Attorney General and the Commissioner of Social Security to create any joint computer data base that is not in existence on the date of the enactment of this Act.

(i) ACTIONS BY ELECTION OFFICIALS UNABLE TO CONFIRM CITIZENSHIP.—

(1) IN GENERAL.—If an election official receives a notice of final nonconfirmation under subsection (c) with respect to an individual, the official—

(A) shall notify the individual in writing; and

(B) shall inform the individual in writing of the individual's right to use—

(i) the process provided under subsection (g) for the prompt correction of erroneous information in the pilot program; or

(ii) any other process for establishing eligibility to vote provided under State or Federal law.

(2) REGISTRATION APPLICANTS.—In the case of an individual who is an applicant for voter registration, and who receives a notice from an official under paragraph (1), the official may (subject to, and in a manner consistent with, State law) reject the application (subject to the right to reapply), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from—

(i) a source other than the pilot program established under this section; or

(ii) such pilot program, pursuant to a new inquiry to the pilot program made by the official upon receipt of information (from the individual or through any other reliable source) that erroneous or incomplete material information previously in the pilot program has been updated, supplemented, or corrected.

(3) INELIGIBLE VOTER REMOVAL PROGRAMS.—In the case of an individual who is registered to vote, and who receives a notice from an official under paragraph (1) in connection with a program to remove the names of ineligible voters from an official list of eligible voters, the official may (subject to, and in a manner consistent with, State law) remove the name of the individual from the list (subject to the right to submit another voter registration application), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from a source described in clause (i) or (ii) of paragraph (2)(B).

(j) AUTHORITY TO USE SOCIAL SECURITY ACCOUNT NUMBERS.—Any State (or political subdivision thereof) may, for the purpose of making inquiries under the pilot program in the administration of any voter registration law within its jurisdiction, use the social security account numbers issued by the Commissioner of Social Security, and may, for such purpose, require any individual who is or appears to be affected by a voter registration law of such State (or political subdivision thereof) to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for such law, the social security account number (or numbers, if the individual has more than one such number) issued to the individual by the Commissioner.

(k) TERMINATION AND REPORT.—The pilot program shall terminate September 30, 2001. The Attorney General and the Commissioner of Social Security shall each submit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and to the Committee on the Judiciary and the Committee on Finance of the Senate reports on the pilot program not later than December 31, 2001. Such reports shall—

(1) assess the degree of fraudulent attesting of United States citizenship in jurisdictions covered by the pilot program;

(2) assess the appropriate staffing and funding levels which would be required for full, permanent, and nationwide implementation of the pilot program, including the estimated total cost for national implementation per individual record;

(3) include an assessment by the Commissioner of Social Security of the advisability and ramifications of disclosure of social security account numbers to the extent provided for under the pilot program and upon full, permanent, and nationwide implementation of the pilot program;

(4) assess the degree to which the records maintained by the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service are able to be used to reliably determine the citizenship of individuals who have submitted voter registration applications;

(5) assess the effectiveness of the pilot program's safeguards against unlawful discriminatory practices;

(6) include recommendations on whether or not the pilot program should be continued or modified; and

(7) include such other information as the Attorney General or the Commissioner of Social Security may determine to be relevant.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice, for the Immigration and Naturalization Service, for fiscal years beginning on or after October 1, 1998, such sums as are necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. PEASE) and the gentleman from North Carolina (Mr. WATT) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. PEASE).

Mr. PEASE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PEASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is no more precious right of citizenship than the right to vote. When noncitizens falsely claim to be citizens in order to vote, this right is cheapened for everyone else.

Congress recognized the significance of vote fraud by aliens in passing the Illegal Immigration Reform and Immigration Responsibility Act of 1996. The act makes falsely claiming to be a citizen in order to register to vote or to vote a Federal criminal offense.

There is currently no satisfactory way for local registrars to ensure that there are no noncitizens on their voting rolls or for the Justice Department to enforce the criminal penalties. Attempts have been made to check voting rolls against Immigration and Naturalization Service records in order to ferret out noncitizens; however, INS data at best can only tell us that a voter is a legal alien or a naturalized citizen. INS data cannot tell us whether a voter is a native born U.S. citizen or an illegal alien.

Our colleague, the gentleman from California (Mr. HORN), introduced a bill to resolve this dilemma. H.R. 1428, the Voter Eligibility Verification Pilot Program Act of 1998, will provide us with the means to identify noncitizens who are either trying to register to vote or are already registered. The bill will set up a 3-year pilot program in which registrars on their own initiative can send their voting rolls to the Federal Government to be checked against both Social Security Administration and INS records.

Checking the rolls with both agencies is the key to a successful verification program. Just about everyone has a Social Security number. Therefore, checks against Social Security Administration records can tell us whether someone is fabricating an identity and whether someone is a native-born citizen.

As I mentioned, the INS maintains naturalization records. Comparing information on voters against both agencies' records will let us know conclusively whether individuals are U.S. citizens or not. Illegal aliens will not be able to escape notice simply because the INS has no record of them.

I know there is opposition to this bill. Opponents will argue today that the Social Security Administration's records do not always indicate whether a person is a citizen. True. But the records do indicate the place of birth, and anyone born in the United States is a citizen.

The opponents may argue that operation of the pilot program will result in discrimination. Not true. The bill specifically states that a registrar's inquiry must be part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory and in compliance with the Voting Rights Act of 1965.

Mr. Speaker, I urge my colleagues to support H.R. 1428 and let the American people know that we will not sit back and see their rights demeaned.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, there are 5 important reasons why this bill is a bad idea. The bill's proposed verification system just simply will not work. The bill would expose individuals' Social Security numbers to public inspection, an idea that we have long opposed.

This bill is politically motivated. The bill undermines the Voting Rights Act and the National Voter Registration Act, the so-called motor voter act, and this bill has never ever been considered and voted upon by any committee of this House or any subcommittee of this House.

Those are 5 good reasons that this bill should be defeated.

Mr. Speaker, I reserve the balance of my time.

Mr. PEASE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HORN), the author of the bill.

Mr. HORN. Mr. Speaker, when my Irish great-grandfather came here, the first time he had a chance to vote, he dressed up in top hat and tails to go to the polls. When my German immigrant father came here, he could not afford the top hat or the tails, but the proudest moment of his life was when he cast his first vote in the United States of America.

The vote is precious. American citizens expect the voting rolls to consist of American citizens. But right now there is no way to make that assurance. What this bill does is provide an opportunity in five pilot States over the next three years to test the federal information that a local registrar of voters may seek. It is not compulsory; it is not the Federal Government telling the States how to deal with their voting rolls, but it is the Federal Government providing two tools for the local registrar to use to answer one question: Is the person a citizen or is the person not?

American voters expect citizens to be on that roll, not noncitizens.

□ 1300

The pilot program would be in California, New York, Texas, Florida and Illinois. It would terminate on September 30, 2001, and it would make very clear that State and local governments may require the Social Security number simply as part of the voter registration process. Again, it is a ''may.'' If they do not want to do it, they do not have to do it. But 23 States now request or require at least part of the Social Security number for voter registration purposes. Again, that has been up to the States.

Now, the election official, if he or she found that by accessing the Social Security base that there were noncitizens on the voter roll, then they could go into the INS base to find out if they are naturalized, which is the equivalent of citizenship and is citizenship. If there is no evidence of naturalization, then the official would have to notify the individual in writing and permit them the opportunity to establish their eligibility to vote. There would be 30 days to provide proof of citizenship.

So it is not a mandate; it is a process that will work, and the data are there, and we should not be hiding it in the hills, we should be letting those data be used to assure the purity of elections in the United States of America.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Mrs. MEEK).

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I oppose this bill.

I oppose this bill because we have no evidence that it will effectively fight voter fraud.

This nation has had voter fraud for hundreds of years. But the Republican leadership has apparently just noticed it. They are bringing to the floor today a bill that was introduced almost a year ago and is so complicated that it was referred to three committees on April 24, 1997.

But only one Committee has even held a hearing on the bill—on June 25. None of the three Committees has voted on it.

Why is the leadership afraid to let the normal Committee process work? Why are they rushing to the floor today a bill that was introduced almost a year ago?

One of my constituents has an explanation. He says this bill would undermine the Motor Voter Law, erect new barriers to voting, and suppress voting by members of ethnic and racial minorities.

Why are we focusing on only one kind of voter fraud? What about dead people who vote? What about U.S. citizens who vote more than once? What about U.S. citizens who are prevented from voting?

Vote against this bill and send it back to the three committees so that we can develop a thoughtful bipartisan response to the serious problem of voter fraud.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN asked and was given permission to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, I rise in opposition to H.R. 1428.

I rise in strong opposition to H.R. 1428, the Voter Eligibility Verification Act. This bill is designed to undermine the voter turnout of our country's naturalized citizens.

How does this bill achieve this goal? H.R. 1428 allows local and state election officials to pull anyone's name and submit it to either INS or to the Social Security Administration for verification of citizenship. If the name can not be confirmed by either agency, this bill will force the voter to provide citizenship verification to the local voter registrar. Therefore if my name could not be confirmed, I would need to present my birth certificate or passport to vote. Who are the targets of H.R. 1428?

The targets are citizens whose names may seem questionable to election officials. Where will they start this search? Are they going to

start with Green, Smith, or Jones? Or are they going to start the search with Gonzales, Torres, or Jiminez?

Conceivably, this bill would allow election officials to send the names of whole neighborhoods for verification. In Texas we have this ability now to challenge voters.

I support all efforts to stop voter fraud. However, this bill does seem to target our immigrant population.

I urge my colleagues to oppose this anti-immigrant bill.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FILNER).

(Mr. FILNER asked and was given permission to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, I rise in strong opposition against this measure to intimidate voters in my State of California.

Mr. Speaker, the right to vote is too sacred to be dependent on incomplete, unreliable data bases. To top it off, H.R. 1428 would allow states and local officials to reject voter registration applications and to force the person registering into the intimidating position of trying to prove that two huge bureaucracies' data bases are flawed.

The Social Security Administration and the Immigration and Naturalization Service, which are both charged with verifying names of registered voters in this misguided act, say they *cannot do it.* The Social Security Administration did not begin recording citizenship status until 1980. The agency clearly states, ''The use of our system for confirmation of citizenship is *not feasible.*'' The INS has no records of native born American citizens and can only verify the status of those who were naturalized in *recent years.*

How many people will take the time to obtain a copy of their birth or naturalization certificate that they have not had to produce *for years?*

How many people who are native born Americans will feel that they are being given ''the third degree'' by local elected officials just because the officials perceive that they appear to be Hispanic or Asian or any other racial or ethnic minority?

It is unfair, illegal and unconstitutional to make voting easy for one group of citizens and difficult and intimidating for another group. That is what H.R. 1428 does.

To take information trickling out of an incomplete, inaccurate and highly bureaucratic system of flawed data bases and turn it over to local officials with discretion in interpreting this data will have only one effect—illegally preventing people from exercising their constitutional right to vote. This democracy depends on its citizens' faith in the voting system—those citizens will have no faith in a system which intimidates them and prevents them from participating in it. Vote no on H.R. 1428!

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. HEFNER).

(Mr. HEFNER asked and was given permission to revise and extend his remarks.)

Mr. HEFNER. Mr. Speaker, I rise in opposition to the Voter Suppression Act.

A better title for this bill is the ''Voter Suppression Act.'' Not only will it discourage new citizens from exercising their rights, but it could easily prohibit natural-born and naturalized citizens from voting.

This bill hands control over voter lists to state and local officials with no requirements that they act in ways that are uniform and do not discriminate. Citizens could be purged from the voter rolls—denied their constitutional right—simply because they had an ''ethnic-sounding'' surname or because they live in a predominantly minority neighborhood.

And what would be their recourse? Well, under this bill, they would have to depend on the INS and the Social Security Administration to ''confirm'' their citizenship, even though neither agency is equipped for that purpose.

Citizenship cannot be confirmed by checking a person's Social Security number. The Social Security Administration does not require information about citizenship and only started requesting it 20 years ago. And the INS only keeps records of immigrants—not natural-born citizens.

Our nation decided long ago that tests for voter eligibility—like the poll taxes and literacy tests used in the South—were wrong and abhorrent. We enacted the Voting Rights Act to cast aside—once and for all—the barriers concocted to keep minorities from exercising their constitutional right to vote.

I remember the days before the Voting Rights Act. I remember when some citizens could exercise their right to vote while others had arbitrary and ridiculous hurdles placed in their way.

This bill is a return to those days. I find nothing to be proud of in that history. And I do not—and cannot—support repeating it.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON).

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I rise in strong opposition to this bill.

Mr. WATT of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I rise against this misguided legislation. This bill is a dagger in the heart of the Voting Rights Act of 1965. It destroys not only the spirit, but the very soul of the Voting Rights Act. Too many people have died so that every American can exercise their right to vote. Jimmy Lee Jackson, Mickey Schwerner, James Cheney, Andy Goodman. These are not just names. I knew these young men. We have come a long way in this country toward protecting every American's right to vote. This bill erases the gains we have made. It forgets those sacrifices.

Many of my colleagues over the last 12 years since I have been in the Congress have come to me and said, ''I wish I had been there with you. I wish I had fought those battles with you.''

Let me say: If you wanted an opportunity to stand up, if you say you wanted to go on the freedom rides, if you say you wished you had marched across the bridge in Selma, if you wanted to stand up for the right of all Americans to participate in our democracy, now is your chance. Now is your turn, now is your time.

Like the poll tax, like the literacy test, this bill is intended to keep people from participating in our political process. That is a shame; it is a disgrace. It harks back to another period, a dark period in our history.

We have come too far to go back to the days of Bull Connor, Sheriff Jim Clark, and George Wallace. We cannot go back, we must not go back, and we will not go back.

I urge all of my colleagues to do what they know is right in their hearts. Support one man, one vote. Let us not erase the progress we have made in our Nation. Defeat the Horn bill, defeat this bill, and defeat it now.

Mr. PEASE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I would like to respond to my good friend from Georgia (Mr. LEWIS).

I happen to have been on the drafting team in the Senate where we wrote that bill in the Republican leader's back office. There were four of us on the staff from the Republican leadership side, and there were five on the Democratic side, including the Department of Justice. If we had thought in the Voting Rights Act of 1965 that this was a law so that noncitizens could vote, we would have been laughed out of Congress. The fact is, the Voting Rights Act of 1965 has nothing to do with this issue.

Mr. LEWIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. HORN. I yield to the gentleman from Georgia.

Mr. LEWIS of Georgia. Mr. Speaker, I was on the bridge from Selma to Montgomery. I almost lost my life on March 7, 1965, because I was fighting for the right to vote, to open up the political process. I do not know, maybe the gentleman has changed his ways or maybe he has seen a different light, but that is the effect of this legislation. It will destroy the heart and the very soul of the Voting Rights Act of 1965.

Mr. HORN. Mr. Speaker, reclaiming my time, I would say to the gentleman, the fact is, every single African American born in this country is automatically a citizen of the United States.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I thank and commend the ranking member of the subcommittee, the gentleman from North Carolina (Mr. WATT). I rise to express how sorry I am that the name of the gentleman from California (Mr. HORN) would be on the document that we are opposing today.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, today is the birthday of Abraham Lincoln, the father of the Republican Party. I think that President Lincoln is turning over in his grave today, because this proposal flies in the face of the legacy of President Lincoln, the legacy he left his party and the legacy that he left his country. He would be appalled.

This proposal clearly is aimed at denying minority voters their legal right to vote. This bill not only threatens the rights of minority voters, it violates the values of privacy that are at the very foundation of a free society. This is a value that everyone in this Chamber holds very dear, or should hold dear.

This proposal would amend the Social Security Act, overturn the Privacy Act protections, by allowing States to require Social Security numbers for voter registration. But the proposal does nothing to protect or ensure the privacy of those Social Security numbers submitted on voter registration applications. This is one more attempt at intimidation. All Americans should be aware.

Mr. Speaker, I urge my colleagues to remember the legacy of Abraham Lincoln today. Vote ''no'' on this proposal.

Mr. PEASE. Mr. Speaker, I yield 3½ minutes to the gentleman from Kentucky (Mr. BUNNING).

(Mr. BUNNING asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. BUNNING. Mr. Speaker, first of all, I would like to include in the RECORD a letter from the gentleman from Texas (Mr. ARCHER) to the Speaker of the House of Representatives the gentleman from Georgia (Mr. GINGRICH).

The letter referred to follows:

FEBRUARY 11, 1998.

Hon. NEWT GINGRICH,
The Speaker, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I am writing regarding consideration of H.R. 1428, the ''Voter Eligibility Verification Act of 1998,'' which was introduced on April 24, 1997, by Representative Horn, et. al. the bill, as introduced, was referred to Committee on Judiciary, and in addition, to the Committees on Ways and Means and House Oversight.

As introduced, the bill would amend the Immigration and Nationality Act ot establish a system through which the Commissioner of Social Security and the Attorney General respond to inquiries made by election officials concerning the citizenship of voting registration applicants, and amends the Social Security Act to require individuals registering to vote in elections to provide their Social Security number.

As you know, provisions dealing with national social security are within the jurisdiction of the Committee on Ways and Means, and under normal circumstances the Committee would meet to consider this bill. However, it is my understanding that Chairman Hyde or his designee will be offering an amendment on the floor to address the concerns of the Committee on Ways and Means and its Subcommittee on Social Security.

Among other things, the bill, as amended, would provide for the Attorney General, in consultation with the Commissioner of Social Security, to establish a pilot program to test a confirmation system through which they will respond to inquiries made by election officials concerning the citizenship of individuals who have submitted voter registration applications. Department of Justice funds would be authorized to carry out the pilot program.

Based on this understanding, and in order to expedite consideration of this legislation by the full House, I do not believe a markup by the Committee on Ways and Means will be necessary. However, this is being done only with the understanding that it does not in any way prejudice the Committee's jurisdictional prerogative in the future with respect to this measure or any similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future.

Thank you for your consideration of this matter. With best personal regards,

Sincerely,

BILL ARCHER,
Chairman.

Mr. Speaker, the Voter Eligibility Verification Act was originally introduced by the gentleman from California (Mr. HORN) on April 24, 1997. H.R. 1428 was referred to the Subcommittee on Social Security of the Committee on Ways and Means on May 1, 1997. The subcommittee has not taken any action on the bill due to the concerns regarding the impact of certain provisions on the Social Security program and its administration.

Social Security was created to provide a comprehensive package of protection against the loss of earnings due to retirement disability and death. Voter registration does not relate to Social Security programs' purposes. Therefore, Social Security trust funds may not be used to pay for the activities assigned to the Social Security Administration and the agency would need to be reimbursed.

Secondly, this new and potentially significant workload would interfere with SSA's ability to fulfill its basic responsibilities to the American public. In addition, the Social Security Administration is not in a position to definitely confirm citizenship as they are not the official custodian of records which construct evidence of citizenship. The agency's records on citizenship are not necessarily current. Accuracy of the SSA's records is dependent on the validity of the documents presented as evidence.

Last year the Federal Illegal Immigration Reform and Immigrant Responsibility Act made it explicitly illegal for noncitizens to vote. State and local officials, however, can do little to enforce the law without having a way to verify registrants' eligibility. In a spirit of cooperation, the Committee on Ways and Means' Subcommittee on Social Security has worked with the Committee on the Judiciary and the Committee on House Oversight to reach an agreement on needed legislation. The revisions and provisions of the Voter Eligibility Verification Pilot Program Act of 1998 responds to the concerns of the Ways and Means Subcommittee on Social Security.

This bill provides for the Attorney General, in consultation with the commissioner of Social Security, to establish a pilot program to test and confirm a system. SSA and INS will respond to inquiries made by election officials concerning the citizenship of individuals who have submitted voter registration application. Department of Justice funds, not Social Security trust funds, are authorized to carry out the pilot program.

The pilot program lasts only 3 years, operated in a minimum of 5 States, and is used on a voluntary basis by election officials and will include safeguards to protect the privacy and avoid discriminatory practices.

Mr. Speaker, I want to thank the gentleman from California (Mr. HORN), the gentleman from Texas (Mr. SMITH), chairman of the Committee on the Judiciary Subcommittee on Immigration and Claims, the gentleman from California (Mr. THOMAS), chairman of the Committee on House Oversight, and their staffs for their willingness to work to achieve an agreeable solution.

Mr. WATT of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

Perhaps without knowing it, I believe that my colleague from California (Mr. HORN) made a very prophetic comment in response to the gentleman from Georgia (Mr. LEWIS) just a few minutes ago when the gentleman from Georgia (Mr. LEWIS) raised some concerns that African Americans here in this country fear so much by this legislation when he said, ''but blacks are born in this country, they get automatic citizenship.''

I say to the gentleman, he forgets that there are a lot of black Americans in this country who came to this country from Haiti, African countries, and are now American citizens but came as immigrants. And there are many, many, many Latino Americans who came from Latin American countries and Asian Americans who came from Asian countries who, when they first were here, could have been questioned about their citizenship, and still may be questioned about their citizenship because of their looks and because of the way they may speak.

But let us not forget that there are Irish in this country, there are Italians in this country, there are Bulgarians in this country whom, on appearance, one may believe were born here and are entitled to automatic citizenship and automatic right to vote, but that may not be citizens. And by empowering these local officials, without any kind of guidance to decide they are going to check people, what we are doing is returning us to the days when we had poll taxes and the like.

We are suppressing the vote; we are going to raise hurdles to participation, and we are trying to do it with a system that cannot work, because Social Security, the administration has said, a Social Security number has never

been more than a way to tell people if they qualify for Social Security, not for anything else.

□ 1315

The INS will say that their records cannot tell if someone is eligible to vote; only if someone has naturalized. So we are getting ready to embark on something which will deny American citizens who have the right to vote that opportunity. Mr. Speaker, that is the worst signal we can give on the birthday of a man who made most possible the right for all Americans to vote.

Mr. PEASE. Mr. Speaker, may I inquire as to the balance of time on both sides.

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from Indiana (Mr. PEASE) has 10½ minutes remaining, and the gentleman from North Carolina (Mr. WATT) has 14 minutes remaining.

Mr. PEASE. Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. KENNELLY), the next Governor of Connecticut.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I am speaking as the ranking member of the Subcommittee on Social Security, and I want to emphasize the negative impact this bill would have on the Social Security Administration.

Mr. Speaker, the bill would impose an enormous work load on the same agency that is responsible for sending every Social Security check out every month. These are so important. As we know, tens of thousands of older women have only the Social Security check to rely on. And even if additional funds are provided, urgent needs such as the revision of the Social Security computer system for the year 2000 approaches and needs attention. Even though voter registration is so legitimately important, it is not what the Social Security Administration should be doing.

More importantly, the Social Security Administration does not keep the kinds of records necessary for this requirement. Prior to 1971, Social Security Administration data was based on only what a citizen told the agency. No documentation was required until 1981.

Furthermore, the legislation would undermine the motor voter law discouraging voter participation undermining voter rights. We have worked so hard to encourage citizens to get to the polls on Election Day. This bill would force us to take a step backwards in our efforts to promote voter registration by establishing an unnecessary obstacle to voter registration and taking away from the participation of many citizens.

This legislation would discourage voter participation, divert important resources away from the Social Security Administration, and also the central purpose of that administration, as we know, is to send those checks out on time, to be effective when the people call the agency, to serve the people of these United States.

Mr. Speaker, I urge my colleagues to vote against this bill. This bill does not provide the adequate support system necessary to carry out what its intentions might be. But what it will do, and I think necessarily will do and should not do, is take away from our very important Social Security agency which is so important to the citizens of this country.

Mr. PEASE. Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ).

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, the road to the ballot box for women and minorities has never been easy. Now, Republicans want to begin a new and tragic chapter in our country's voting rights history.

Mr. Speaker, I was born in this country. As a Puerto Rican, I am just as American as anyone from Massachusetts or Virginia. Yet, the Horn bill could easily deny me the right to vote. The simple fact is that H.R. 1428 gives election officials too much power to rely on INS data to bar people from voting.

As natural born citizens, millions of Puerto Ricans with no record at INS could unfairly be stopped at the ballot box. This is wrong, pure and simple.

Mr. Speaker, I say to my colleagues that the only purpose for this hostile legislation is to torment citizens. If we silent the voices of any Americans, we destroy our democracy. I urge my colleagues to defeat this voter suppression bill.

Mr. PEASE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS), the distinguished chairman of the Committee on House Oversight.

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Indiana for yielding.

Mr. Speaker, I think it is appropriate at this time to rise and provide some facts for the record since there has been a series of statements that are just factually inaccurate.

First of all, this is not a new or innovative idea, that is using Social Security numbers for voter identification. There are currently more than half a dozen States that do it. So my assumption is that those who have gone to the well on the other side of the aisle to argue that this is somehow un-American believe that the States of Georgia, Hawaii, Kentucky, New Mexico, South Carolina, Tennessee, and Virginia are all un-American because they utilize Social Security numbers for verification.

In addition to that, I found it interesting that the gentlewoman from Connecticut (Mrs. KENNELLY) is concerned about the burdens on the Social Security Administration, after we heard from the gentleman from Kentucky (Mr. BUNNING) with his praise of the amendments that made sure none of the trust fund money would be spent. There are no dollars from the Social Security trust fund that are going to be utilized for this purpose. What the chairman did say, if we listened to him, was that the program was going to be modeled after an employer's program that is already on the books. We are allowing elected local officials to function as employers currently do in a pilot program.

Returning to the question of the INS and its records, obviously after our inquiries and our attempt to work with the professionals at INS, although we were stonewalled by the political appointments at the Department of Justice, the INS professionals have come to realize that they have to do better; do better for all Americans.

The Coopers & Lybrand report said that they are going to have to have digitized photographs and electronic fingerprints at several stages of the citizenship process. My assumption is that the INS and the Clinton administration will now be called racist because they want verification. What is wrong with verification?

Frankly, if we have voter rolls that people know are honest, that would strengthen motor voter, not weaken it. To the degree we have people going on the rolls and we continue to have fraud in voting, there is going to be a massive effort to fundamentally reform the motor voter bill. This effort will be led by the local election officials who have to enforce motor voter.

If my colleagues were truly interested in trying to make sure that a person's right to vote is protected, they would be supporting this kind of legislation. Then we can ensure that the rolls are accurate and that the motor voter law is not undermined.

Mr. KENNEDY of Rhode Island. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) has 30 seconds remaining.

Mr. THOMAS. Mr. Speaker, if the gentleman from Rhode Island would like to ask me a question on his time, I would appreciate it because I have a very short time. Does the gentleman have time?

Mr. KENNEDY of Rhode Island. Mr. Speaker, I have time, but it is coming up in 3 minutes.

Mr. THOMAS. Mr. Speaker, okay, then I will be with the gentleman in 3 minutes.

Mr. Speaker, this is a very modest attempt, based on what we now know from the contested election in California's 46th District that there will be people who go to the polls and who will not be voting legally.

Any Member who does not want to support this very reasonable check to

provide election officials with tools to make sure their voting rolls are accurate are, in fact, damaging the very argument they argue that they are trying to support, and that is the advances that we have made in allowing more people to come on the rolls would be sustained.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, the gentleman from California is talking about something that may exist in the future. Unfortunately, this process has to verify voters now. As soon as it is put in place. And the INS and Social Security have both said unequivocally they do not have the capacity to do this.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. FORBES).

(Mr. FORBES asked and was given permission to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, I thank the gentleman from North Carolina (Mr. WATT) for yielding me this time.

Mr. Speaker, I rise in opposition to what I think is an ill-conceived measure that would, frankly, do more to create a big government bureaucracy centralized here in Washington, D.C., and do little, if anything, to get at the question of voter fraud.

This is an ill-conceived measure. I think that we are turning back the clock and creating a mechanism that will only enhance discrimination. It will further divide this Nation. And, frankly, if we truly care about voter fraud, we would do some other kinds of things working with local governments in the States, rather than this Republican majority creating a big government bureaucracy that is composed of, again, the watchful eye of Big Brother.

Mr. WATT of North Carolina. Mr. Speaker, did the gentleman from New York use his entire minute?

The SPEAKER pro tempore. The gentleman has 15 seconds remaining.

Mr. WATT of North Carolina. Mr. Speaker, I just wanted to make sure that we were reserving the time for our side. We have many speakers.

The SPEAKER pro tempore. Does the gentleman, then, reserve the balance of his time?

Mr. WATT of North Carolina. Yes, Mr. Speaker.

Mr. PEASE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER).

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I have the highest regard for my colleagues who have stood in opposition to this measure. But the fact of the matter is they are using little more than rhetoric. The gentleman from California (Mr. THOMAS) got right to the facts.

We have a responsibility in this Congress. It is the responsibility to protect that very precious franchise: the right to vote. Everyone acknowledges that we have witnessed fraud in elections that have taken place. And as an institution, we have been over the past several Congresses encouraging greater participation. And yet what has happened? We have seen a lowering in participation and an increase in fraud. This is, as my friend said, a very cautious step.

The gentleman from California (Mr. HORN) is one of the key authors of the Voting Rights Act, and I know that he would do nothing whatsoever, nothing whatsoever to overturn that very important legislation which he worked on.

Mr. Speaker, we should support this very modest measure to ensure that that franchise is in no way jeopardized.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BROWN), the former secretary of state of the State of Ohio.

Mr. BROWN of Ohio. Mr. Speaker, what is this bill really all about? Last month the Los Angeles Times ran a story: ''National GOP Officials Outline Poll Watcher Plan.''

Behind closed doors at last month's Republican National Committee meeting, Republicans cooked up a plan to put ''poll watchers'' and ''challengers'' at key precincts on Election Day.

Mr. Speaker, are they putting them in Beverly Hills? No, they are targeting, quote, ''districts with substantial racial or ethnic populations.''

The L.A. Times reported: ''For many in Orange County, the proposed poll watchers would be reminiscent of the uniformed security guards that the GOP placed outside voting sites in Assemblyman Curt Pringle's district in 1988. Republicans ended up paying $400,000 to settle a civil lawsuit brought by several Latinos outraged by the incident.''

Mr. Speaker, every American should be outraged. Whether they are white, black, brown, Hispanic, Asian Americans, African Americans, this bill is an outrage. The Republicans should be ashamed of themselves.

Mr. PEASE. Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, no one in this body is for fraud, but unfortunately this bill has nothing to do with fraud. As the gentleman from Indiana, my friend and colleague, has mentioned, unfortunately, the immigration records cannot prove U.S. citizenship.

Mr. Speaker, as the letter from OMB received yesterday points out, the Social Security Administration records also will not definitively reveal the status of citizenship. When we put the two together, we do not get anything more than what is there to begin with. We cannot prove citizenship with these records.

So why are we here today? We are here today to consider a bill that would deter and discourage Americans who are not Anglo from voting. Whether intended or not, that will be the effect.

Mr. Speaker, I listened to the gentleman from Georgia (Mr. LEWIS). I was a school girl 34 years ago when the gentleman from Georgia stood on that bridge for voting rights. Today I think that all Americans need to stand together once again to overcome the forces that would take us back to the days of Jim Crow, that would take us back to the days when poll taxes were in place.

Mr. Speaker, I urge my colleagues to stand together for America.

Mr. PEASE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

(Mr. BILBRAY asked and was given permission to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, until 3 years ago, I was a county supervisor supervising the registration system for voters in a county of over 2.5 million people, and I know now what I knew then. There are two ways of violating a voter's rights. One is not to allow qualified voters to vote, and the other is to allow unqualified voters to vote and negate those qualified voters from voting.

Now there is a lot of talk on this floor year after year about democracy and how important it is. This vote is about the integrity of our electoral process that sends every one of us here. And if what we are trying to say now is that the integrity of that vote, that qualified voters are being given the right to make their vote count, then vote for the bill offered by the gentleman from California (Mr. HORN). It is a very moderate approach.

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If my colleagues want to find excuses to walk away from this issue, I ask them to consider the fact that in the 1960s there were those who found excuses not to stand up for the right of voters to be able to have their vote count. Today, in the 1990s, sadly there are those who are finding excuses to allow unqualified people to have access to the voting polls to disqualify good, qualified voters.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS).

(Mr. CUMMINGS asked and was given permission to revise and extend his remarks.)

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman from North Carolina for yielding me the time.

I rise today in opposition to this resolution which will add barriers to the free exercise of voting for many Americans. The fundamental right to vote is the foundation on which our democracy is based. The right to vote was directly attributable to the American Revolution, enactment of the 15th amendment, women's suffrage and the Voting Rights Act of 1965.

In the segregated South, poll taxes and literacy tests were used as weapons against the right to vote. Now, more than 120 years later, 28 years after enactment of the 15th amendment and 3

years after enactment of the Voting Rights Act of 1965, we are considering legislation that could once again inhibit the right to vote. H.R. 1428 would give wide discretion to State and local officials to deny legalized citizens, presumed to be illegal immigrants, the right to register to vote.

This is a bad piece of legislation.

Mr. PEASE. Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. MENENDEZ).

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, with H.R. 1428, which I call ''the voter suppression and antivoter privacy act,'' Republicans are proving that they are the party of big, prying and intrusive government. Republicans want the Social Security Administration, the INS, the Justice Department to run background checks and share private information on American citizens who simply want to register to vote. Unless things have changed since I was in law school, Americans have the right to vote without going through a security check by ''big brother'' government.

Why would Republicans do this? Maybe it is that they just finished blowing a million taxpayers' dollars in a 14-month investigation in the LORETTA SANCHEZ case that they could not prove.

What is next in the Republican plan? Will the FBI run checks on everyone who gets a driver's license? Will Social Security recipients be fingerprinted by the INS? And who will be targeted by the Republican efforts? Americans of Hispanic descent and other minorities who have common last names often found on immigration lists and who simply do not look like our typical mode.

We have to make it more convenient for our citizens to vote, not more difficult and intimidating. If that scares Republicans, more working families mean fewer Republican votes.

Mr. WATT of North Carolina. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from North Carolina (Mr. WATT) has 6 minutes remaining, and the gentleman from Indiana (Mr. PEASE) has 5½ minutes remaining.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, it is obvious why the Republicans drafted this bill. Republicans learned in 1996 that there is a price to pay for practicing the politics of prejudice. Latino voters grew tired of hearing Republicans' red-hot rhetoric and cold-hearted legislation targeting our communities, so in response Latinos voted for tolerance, opportunity and equality. In other words, Latinos voted for Democrats.

What is the Republican reaction? To change course to end their anti-Latino anti-immigrant behavior? No. Now they want to create unnecessary fear within the Hispanic community and create unwarranted fear of the Hispanic community in the eyes of our fellow Americans.

I am not in the business of giving advice to NEWT GINGRICH, but let me say this: Latino voters are American voters. When we vote, we remember who stood with us and who stood against us. And we are not alone; Americans of diverse backgrounds are united. They detest discrimination, are sick of scapegoating and are fed up with finger-pointing. The Republicans will go on record today not simply as opponents of Latinos but as opponents of the principles that should make each of us proud to be an American.

Well, I'll tell you what kind of name Gingrich is—it's an American name.

Every bit as American—in fact—as Garcia. Or Morales. Or Jimenez.

Each one an American. Each deserving the right to vote. Each deserving of respect.

And none deserving of the scapegoating, suspicion, and cynicism that the Republicans have aimed at them with this legislation.

It's obvious why the Republicans drafted this bill:

Republicans learned in 1996 that there is a price to pay for practicing the politics of prejudice.

Latino voters grew tired of hearing Republicans' red-hot rhetoric and cold-hearted legislation targeting our community.

So, in response, Latinos voted for tolerance, opportunity, and equality.

In other words, Latinos voted for Democrats.

And what is the Republicans reaction?

To change course? To end their anti-Latino, anti-immigrant behavior?

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I am not in the business of giving advice to NEWT GINGRICH. But let me say this:

Latino voters are American voters.

When we vote, we remember who stood with us who stood against us.

And we are not alone.

The Republicans will go on record today not simply as opponents of Latinos . . . but as opponents of the principles that should make each of us proud to be an American.

Mr. PEASE. Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong opposition to H.R. 1428, the Voter Eligibility Verification Act.

Mr. Speaker, I rise today in strong opposition to H.R. 1428, the Voter Eligibility Verification Act. A great man once said give me liberty or give me death. I say give me the ballot box free and unencumbered or give me death.

I find it ironic that we stand here today in February—the month set aside for the celebration of Black History and we are debating a bill that threatens to undermine with the franchise rights of millions of Americans.

Fannie Lou Hamer, Dr. King, Goodman, Chaney, Schewerner, and countless others gave up their lives to ensure that every American would have the right to vote. The days of requiring Americans to count how many bubbles are in a bar of soap, before giving them the right to vote must never return. This legislation disguised as a bill to prevent voter fraud could take us back to the days when a series of tests dictated whether one had the right to vote.

At a time when voter registration and participation should be encouraged—this bill seeks to discourage potential voters and especially minorities. This bill must be rejected for four reasons. First, there has been no evidence of widespread voter fraud. Secondly, this bill infringes on privacy rights of individuals by requiring that voters Social Security numbers be listed. Thirdly, the Department of Justice and Social Security Administration have stated that this bill is untenable and unsafe.

Finally, this bill should be rejected because it is an assault on the Motor Voter bill.

Therefore, I urge my colleagues to resist the temptation of interfering with the franchise in this manner—reject this bill and protect the rights of millions of Americans to participate in the democratic process.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for his leadership.

I rise with strong opposition to the recognition that every single one of us was one day an immigrant coming to this Nation, believing in freedom and liberty and seeking an opportunity to serve this Nation as a citizen. Whether it be at war or at peace, immigrants from all over the world came for justice and freedom.

Now, today, in this House this Republican leadership and majority want to take away and clothe the Voter Rights Act with the cover of the Ku Klux Klan and deny those new immigrants who become citizens the right to vote. How tragic that we have come to this. Hispanic voters, Asian voters, new voters from the continent of Africa, yes, this is what this bill will do. It cannot be implemented, Mr. Speaker.

The reason is, the Social Security Administration does not know how to implement it. They do not have any kind of data beyond 7 years ago. I ask any one of you who is an American today, would you want this to have happened to your grandmother and your grandfather? Then stand up for those who have come for freedom and are legal citizens. Vote down this horrible stab in the Voter Rights Act.

Mr. Speaker, I rise today in opposition to H.R. 1428, the Voter Eligibility Verification Act. H.R. 1428 purports to eliminate voter fraud by requiring proof of citizenship for registered voters and applicants for voter registration. In fact, this bill is nothing more then a thinly veiled tool for suppressing the minority vote.

At a time when voter turnout is at record lows, Republicans are proposing a bill that

would make sure that fewer voters participate in future elections. H.R. 1428 effectively undermines the Voting Rights Act and the National Voter Registration Act.

H.R. 1428 will empower local election officials to drop citizens from voter rolls if the Social Security Administration and the Immigration and Naturalization Service are unable to confirm a person's citizenship status. However, according to testimony from both the INS and SSA, H.R. 1428 is utterly unworkable because neither agency can conform the citizenship of a majority of Americans.

When names which have been submitted for verification to the INS and SSA come back ''unverifiable,'' state and local election officials are left with the sole discretion to decide who will be allowed to vote. The legislation provides no means by which to ensure that these officials act in ways that are uniform and nondiscriminatory. Since there is no criteria for challenging whether a voter on the rolls is a citizen or not, election officials may choose to block access to the ballot box based on a person's appearance, accent, or ''foreign-sounding'' name.

Ensuring fair participation in the political process is fundamental to our democracy. Increasing voter participation, rather then stifling it, is the only way to guarantee that more American voices are heard in the ongoing national debate over the future of this country. We do not want this experiment in Texas. We do not want this attack on Hispanic, Asian, or other new immigrants who are legal citizens.

I urge my colleagues to join me in opposing this dangerous and discriminatory piece of legislation.

Mr. PEASE. Mr. Speaker, I yield 1 minute and 30 seconds to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I have listened with great interest to my colleagues on the other side. Usually in the debate on a bill we have a few facts that are facts on both sides. This morning I have heard hardly any facts.

It is very simple. A vote against this bill says ''We do not want to check citizenship. We want illegals and noncitizens to vote in American elections.''

Now, if Members think this is wrong, may I say, we all stand up and take the oath in this Chamber to abide by the Constitution. The Fourteenth Amendment says: All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. And we look at the Fifteenth Amendment: The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

You will notice the Civil War—Reconstruction legislators put this language together to differentiate between ''person'' and ''citizen.'' It is very clear. They are saying only citizens in the United States should vote. They are not saying persons. They are saying citizens. That is the basic choice.

The framers of the Constitution and the framers of these amendments—the great post-Civil War amendments—knew what they were doing, and they differentiated. They knew the difference between ''person'' and ''citizen.'' The last I knew, we wanted citizens of the United States to vote. The millions who have come here—including my father, who left tyranny for freedom, and my great-grandfather—could hardly wait to be naturalized and become an American citizen.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, in Henry Wadsworth Longfellow's poem, ''The Landlord's Tale, Paul Revere's Ride,'' he describes the will and resistance of those who came from Britain who had fled their mother country and created the 13 colonies seeking freedom and democracy. He described, ''One if by land, two if by sea, on the opposite shore I will be, ready to ride and sound the alarm through every Middlesex village and farm.''

Today we are here sounding the alarm. H.R. 1428 is unAmerican. It is unfair. It is an outrageous attempt to deny immigrants democracy. H.R. 1428 is quite simply a frontal assault on our Nation's essential voting rights.

The bill would seriously undermine the Federal laws governing the uniform and nondiscriminatory registration of voters. It is reminiscent of the poll tax and literacy tests, of Jim Crow.

This bill would allow local political officials to make arbitrary and potentially discriminatory decisions by selectively targeting groups of voters and forcing them to prove their citizenship, using an incomplete and inaccurate database.

Vote down this bill. It is unAmerican. It is unfair. America deserves better than this kind of misguided public policy.

Mr. WATT of North Carolina. Mr. Speaker, would the Chair advise us of the time remaining?

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. WATT) has 3 minutes remaining, and the gentleman from Indiana (Mr. PEASE) has 4 minutes remaining.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. TORRES).

Mr. TORRES. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise to express my strong opposition to this legislation, which is yet another attempt to undermine the voting rights and discourage voter participation of certain ethnic groups. Rather than encouraging every willing American citizen to exercise his or her right to vote, I must say, this restricts that very right.

This bill is based on the misguided perception that voting by noncitizens is a major problem in this country. Yet the most inflated studies estimate that illegal voting constitutes but a mere fraction of all voters. Neither the Social Security Administration nor the INS is capable of providing this information accurately, and both agencies are already on record opposing this.

Mr. Speaker, it seems that the colleagues who want to return to this antialien ideology of the Know-Nothing Party of the 1850s, that is what is in question here. Within the current political climate this could only be construed as a means to prevent the participation of ethnic minorities in the electoral process.

This is discrimination of its worst kind. It is indeed, as the gentlewoman said, un-American.

Mr. Speaker, I rise to express my strong opposition to H.R. 1428. This is yet another attempt to undermine the voting rights and discourage voter participation of certain ethnic groups. Rather than encouraging every willing American citizen to exercise his or her right to vote, my colleagues want to restrict this right. Over the past few years, the ills of our nation have been blamed on immigrants or the descendants of immigrants. This is discrimination of the worst kind. My heritage within the borders of this great nation goes back five generations. But it is people like me who this bill attempts to repress and rob of an active political life.

This bill is based on the misguided perception that voting by noncitizens is a major problem in this country. Yet, even the most inflated studies estimate that illegal voting in this country constitutes but a mere fraction of all voters. The INS is required to and has fully cooperated with election officials during investigations of voter fraud. Not only is this bill unnecessary, it is impractical.

Neither the Social Security Administration nor the INS have accurate databases to confirm citizenship status. These agencies are incapable of providing this information accurately and both the Social Security Administration and the Justice Department have already voiced their opposition to this legislation. The INS is already working to become more efficient, reforming its system to reduce backlogs and prevent criminals from becoming citizens. Forcing it to take on further unnecessary, time-consuming duties would be a waste of taxpayer dollars that are intended to naturalize, not penalize.

Many U.S. citizens were naturalized before the INS began keeping computer records at all. These Americans, who have been voting for years, are among the most likely to have their voting rights revoked and their participation suppressed. If election officials are allowed to ''confirm'' citizenship status of registered voters and applicants, we grant them the prerogative to reject applicants and drop voters from the rolls. A name returned ''unconfirmed'' would be deemed ineligible to vote. Millions of native-born and naturalized citizens would be turned away and have to prove they are citizens.

The bill we have before us today would overturn the Voting Rights Act and invalidate the National Voter Registration Act or ''Motor Voter Law.'' This landmark legislation successfully established procedures that encourage voter participation nationwide. Since its enactment in 1993, 13 million new voters have registered, including senior citizens, disabled citizens, military personnel, and many others. This is the intention and design of a democracy. Reinstating obstacles to this achievement would be counter-productive. Within the

current political climate, this can only be construed as a means to prevent the participation of ethnic minorities in the electoral process.

Millions of Americans take for granted the rights they have in this country. For a recently naturalized citizen, voting is an opportunity to fully experience a newly earned freedom. It is something to be practiced with pride and self-respect. But many of these new citizens do not carry, on their person, documents to prove their citizenship. How many of us in Congress carry such documents? Some of these new citizens have a yet to receive these papers due to tremendous backlogs at INS. Even those who are already registered would be subject to new requirements.

This bill is nothing but a spiteful attempt to retaliate against the Latino community for sending Bob Dornan to the unemployment line. It is more of the same failed tactics used by the Republican leadership in a continue effort to cast a cloud of suspicion on a large percentage of Americans and reduce minority participation in the 1998 and 2000 election cycles. This is an unjustified assault on Americans of color, those with foreign surnames or particular accents. Such subjective scrutiny will have a chilling effect on the voting power of Latinos and Asian Americans.

Mr. Speaker, I call upon all of those who believe in democracy and those who continue to believe in the ''American Dream'' to vote against this misguided bill.

Mr. PEASE. Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to thank the gentleman from North Carolina for yielding me this time.

As I was growing up in my family and I read about my uncles, President Kennedy and Robert Kennedy, and I read about their leadership in the 1960s and read about the 1964 Civil Rights Act and the 1965 Voting Rights Act, I thought my uncles had done it all. Growing up in my family, I thought, how could I ever fight the same fights they fought for, because I wanted so much to be a part of their fight.

I am telling my colleagues today, I never thought I would see the day when their fight was not over. But it is not over; it is carrying on with this bill, 1428, as we speak on the floor.

Last year, the Republicans put before this House a bill that said for teachers and principals to choose the students out of their classes that they thought were illegal aliens. In New England, where I represent Rhode Island, the highest illegal immigration problem is Irish overstays, Mr. Speaker, Irish overstays.

Do my colleagues want to know how many teachers and how many principals and how many voting people are going to question Irish people who look like me when they go into the voting booth versus how many are they going to question that look like the gentleman from North Carolina (Mr. WATT) or the gentlewoman from New York (Ms. VELÁZQUEZ). That is what this bill is all about. It is wrong. It is un-American. We should turn it around.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself the balance of my time.

The question is what problem are we trying to solve by this bill? I submit to Members that the problem we are trying to solve by this bill is one that the Republicans are trying to create.

□ 1345

They are seeing an unregistered voter behind every tree and they are seeing them vote for Democrats. That is what this bill is all about. They have spent over a million dollars on a wild goose chase and now they bring a bill to the American people which they know will fail to cover their tracks and make it look good.

This bill will not work. The Social Security Administration and the INS have already told us that they do not have the records. Who will be sent there to check their citizenship? People who look like they are not American citizens: Hispanics, blacks, people who are minorities. This bill is un-American. They will then be given 30 days to take an appeal, but that 30 days will expire after the next election.

So what happens when I walk into the polling place and try to cast my vote? I will be told, oh no, you cannot vote because you do not look American. The Republicans are seeing diversity behind every tree. Stand up and understand that this country is about diversity and honoring diversity, not destroying it. That is what this bill will do. That is what it is intended to do.

No committee has marked up this bill. It comes to the floor today in the wake of the Sanchez dismissal as cover for my Republican colleagues. That is the sole reason it is here.

This bill is un-American. It should be voted down and we should be ashamed for bringing it to the floor.

Mr. Speaker, I include for the RECORD a letter dated February 11, 1998, from the Congressional Budget Office regarding this bill:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, February 11, 1998.

Hon. MELVIN L. WATT,
Ranking Member, Subcommittee on Immigration and Claims, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN: On February 10, you requested CBO's analysis of H.R. 1428, the Voter Eligibility Verification Act. H.R. 1428 was introduced last June, but it has not been reported by a Committee, and CBO has not completed a formal estimate of its budgetary implications.

The bill, as introduced, would direct the Social Security Administration (SSA) and the Immigration and Naturalization Service (INS) to respond to inquiries from state and local election officials about the citizenship of prospective voters. It is difficult to estimate the likely costs of the bill, because neither SSA nor INS now maintains the information that would be necessary to provide definitive confirmation of citizenship for the vast majority of the voting-age population. SSA issues Social Security numbers (SSNs) to native-born citizens, naturalized citizens, and aliens legally admitted for permanent residence; the citizenship information in SSA's files may not be up-to-date or (if the SSN was issued before 1981) based on documentary evidence. The INS has information about naturalized citizens but not about native-born citizens; even those data contain gaps, are not entirely automated, and rely on the alien registration number rather than the SSN.

Because the limitations of these data would soon become apparent to state and local officials, the number of inquiries is likely to be small, as would the cost of responding to them. Filling the gaps in the agencies' data would require the creation of new data bases, clearly an expensive undertaking, but one that would be barred by the bill.

I hope that this information is helpful to you. If you have further questions, please do not hesitate to contact me, or have your staff contact Kathy Ruffing of my staff at 226–2820.

Sincerely,

JUNE E. O'NEILL,
Director.

Mr. CONYERS. Mr. Speaker, I rise in strong opposition to the H.R. 1428, the so-called Voter Eligibility Act. Despite its name it will do nothing to verify eligible voters. Instead this bill will undermine the Voting Rights Act of 1965, the Motor Voter Act, create a national database system and unnecessarily invade the privacy of millions of Americans. That the Republican leadership would bring such a bill that diminishes a citizen's constitutional right to vote, to the full House under suspension, circumventing three House committees that have jurisdiction, and making seven substantive changes to the bill the night before, is a disgrace.

This verification scheme in this bill is simply unworkable. THe Social Security Administration (SSA) and the Immigration and Naturalization Service (INS) do not have the records to verify citizenship. The SSA is unable to confirm citizenship because SSA is not the official custodian of birth, naturalization, or other records that constitute evidence of citizenship. The INS database is severely flawed because is does not include any information on any native born citizens. And the INS database does not include citizens naturalized before computer records were kept or citizens who were recently naturalized. We are all against voter fraud, but H.R. 1428 is requiring a confirmation process for citizenship which is just not possible with any existing federal database.

The bill would also be very costly. Since the bill was not reported from any committee the CBO did not complete a formal estimate. But, in a letter dated today the CBO states ''. . . filling the gaps in the agencies' data would required the creation of new databases, clearly an expensive undertaking, but one that would be barred by the bill.'' So the proponents of the bill can't have it both ways. But it is impossible to confirm citizenship without creating a new expensive national database. Watch out! Big brother is watching and checking your citizenship!

H.R. 1428 is also a threat to privacy because voting registration records are public records. Nothing in the bill would protect or ensure the privacy of Social Security numbers. But the darkest provisions of this bill is its impact on the Voting Rights Act and the Motor

Voter Act. At a time when voter turnout is dangerously low, this legislation seeks to discourage voter registration. Why should citizens have to bear the burden of proving their citizenship? How do you prove this? Should we now require everyone to carry a birth certificate or other document at all times? This is an unacceptable burden would have a disproportionate impact on low-income, language minorities and elderly who may not have access to the resources to pursue a complicated, confusing procedure for confirmation of citizenship. This effort is the equivalent of a modern day poll tax that was designed a century ago to keep African Americans from the voting booths.

Motor voter has been a great success. In a Subcommittee hearing last year, the League of Women Voters testified that the Federal Election Commission reports that 1996 saw the highest percentage of the voting age population registered to vote since reliable records were available in 1960. Nearly 73 percent of eligible Americans are registered to vote. Why do we under the unsubstantiated guise of voter fraud do we need to reverse this trend?

Many Americans, including many members in this House on both sides of the aisle have worked hard to eliminate barriers, test and devices which would hinder people from registering to vote. Why are we bringing legislation to floor which will turn back the clock on the efforts to preserve the constitutional right to vote for all Americans? Bringing this legislation to floor, under suspension, represents yet another sad day for this Congress. I urge the members to oppose this extreme short-sighted measure.

Ms. PELOSI. Mr. Speaker, I rise to express my opposition to the Republican majority's attempt to control the electoral process. H.R. 1428 could keep millions of Americans from voting. American citizens, could be selectively removed from the voter lists. This kind of federal interference in the local electoral process would have a chilling effect on millions of new citizens who would be frightened away from this most sacred expression of the people's will.

This Republican bill will lead to discrimination against racial and ethnic minorities. Citizens could be purged from the voter rolls soley on the basis of an ethnic-sounding surname or the fact that they live in a predominantly minority neighborhood.

Sadly, it appears this legislation is part of a larger Republican effort to suppress Hispanic voter turnout. This campaign began with the year-long, million-dollar investigation into Congresswoman LORETTA SANCHEZ'S defeat of Republican Bob Dornan in California's 46th district.

This bill will not work. Both the INS and Social Security have already said they cannot confirm the citizenship of most Americans.

We need to remove obstacles to participation not build fear into the electoral process.

Ms. ROYBAL-ALLARD. Mr. Speaker, earlier today this chamber voted to end the probe into the election of Congresswoman LORETTA SANCHEZ.

Congresswoman SANCHEZ was vindicated, and the voice of her constituents was reaffirmed.

It should have never been questioned!

And now Republicans want to set our nation back. They want to create new barriers to voting for every American.

Mr. Speaker, our right to vote is among our most sacred duties as Americans.

As our nation has evolved, so has our electoral process.

The days of the infamous poll tax are gone, and the 19th Amendment ensures that all of our nation's citizens are granted representation through their vote.

H.R. 1428, the so-called ''Voter Eligibility Verification Act'' is a misguided Republican attempt at curtailing the Voting Rights Act as well as key provisions of the Privacy Act.

The bill allows federal, state, and local officials to randomly challenge the right to vote of any person they choose, and it directs the Social Security Administration and the Immigration and Naturalization Service to investigate the citizenship of any individual at the request of election officials.

The INS and the Social Security Administration both oppose this bill. They know that many of their files are outdated and that they cannot accurately verify the citizenship of Americans.

Furthermore, by allowing states to require Social Security numbers on voter registration forms—a practice which is prohibited under the Privacy Act—this bill would overturn key provisions of current law, and make the Social Security numbers of Americans public information.

Mr. Speaker, let's keep this Congress from violating the fundamental rights of Americans.

I strongly urge my colleagues to vote against H.R. 1428.

Mr. HOYER. Mr. Speaker, I rise in strong opposition to H.R. 1428, the Voter Eligibility Verification Act.

The only purpose this bill serves is to undermine the Voting Rights Act of 1965 and the National Voter Registration Act, more commonly referred to as the Motor Voter law. H.R. 1428 is exclusionary in nature, and it's motives are questionable.

Mr. Speaker, if ever we as legislators wanted to discourage American citizens from voting, this bill would get the job done. There is no argument that persons who are not citizens of this country should not be permitted to vote. However, this bill is not the answer.

When immigrants become citizens of the United States, they are very proud and have an earnest desire to contribute to and participate in the greatest democratic nation in the world. Whether it is to join the workforce and contribute to the economy, or to cast a vote and participate in the democratic electoral process, we ought to embrace our new countrymen and women with respect.

H.R. 1428 would take away that respect. We would be saying to everybody—even those born in this country—''Prove to us that you are a true American. Prove to us that you are entitled to vote in our Democratic electoral process.''

What's next, Mr. Speaker? Will we have to start carrying our personal papers on our person at all times in the event that we will suddenly prove our nationality when we cross state lines as they did in World War II Europe?

This bill is also an affront to the 35 million plus voting aged Americans with disabilities who have benefitted greatly from mail-in registration since, in many instances, these individuals are physically unable to go to a registration site. Americans with disabilities already register to vote at a rate 20% below the rest of the population. If H.R. 1428 were enacted, that number would drop even lower.

This bill is flawed in many ways. First, H.R. 1428 says that for persons born prior to 1978, the Social Security Administration would be required to report where that person was born. If a person was born 70 years ago in another country, but has since become a naturalized U.S. citizen, his or her INS records are archived in a federal vault. There would be no way to verify the citizenship of long term, naturalized Americans through this scheme.

Second, the bill would provide a 30-day ''appeal'' period, which would allow a person whose citizenship is unverifiable to submit ''supplemental'' materials. At the end of those 30 days, the local or state registrar of that voter will then decide whether to permit the person to vote. This is an incredible affront to the Voting Rights Act. To give a registrar the ability to deny an American citizen their right to vote is a disgrace and an injustice.

This is America, Mr. Speaker. This bill was conceived out of paranoia and xenophobia and it would severely threaten the voting rights of all Americans. Mr. Speaker, rather than discourage, we should encourage Americans to participate in the Democratic electoral process and to become fully engaged in the affairs of the country, which is their fundamental right.

I urge my colleagues to vote no on H.R. 1428.

Mr. UNDERWOOD. Mr. Speaker, today, we examine a flawed bill targeted against minority voters in this country, H.R. 1428 is crafted not only to intimidate voters and fail to preserve citizens' privacy, it also places an undue burden on the Social Security Administration (SSA) and the Immigration and Naturalization Service (INS).

H.R. 1428's mechanism to ensure voter authenticity is through confirmation from the SSA and INS. However, these organizations themselves stated that they cannot guarantee U.S. citizenship for all Americans for the following reasons: The SSA's citizenship data is self-reported (before 1978, the SSA did not require citizenship information); INS has accuracy problems with current computer-recorded information (before the INS began keeping computer records, thousands of individuals were already naturalized; these are Americans who will be ''missed'' if this system is in place).

H.R. 1428's attempts to ensure a voter's American citizenship is shadowed by a greater offense to our constituents. It sends a clear signal for minorities not to come to the ballot box because they will be harassed and unduly questioned about their loyalties. According to H.R. 1428, if the SSA and INS cannot confirm an individual's citizenship, local and state officials can deny a person the vote. Now, if your last name is Nguyen or Santos, I can assure you that you should expect more questions and obstacles than if your name was Newton or Smith.

Let us not forget that American ethnic minorities are valuable members of our society. Introducing legislation which is flawed in conception and implementation and targeted to this segment of society is counter to our American ideals of fairness and democracy. I urge my colleagues to vote no on H.R. 1428. We cannot afford to decrease the number of Americans voting in this nation. We are a democracy after all, not an oligarchy.

Mr. VENTO. Mr. Speaker, it is ironic that on the birthday of Abraham Lincoln, the Republican Leadership in the House of Representatives is bringing to the floor a proposal that says if you are African American, if you are Hispanic American, if you are Asian American, the Republican Party does not trust you to vote. The measure before us builds barriers and creates a coercive environment with the election and voting process.

In its worse manifestation, H.R. 1428, the ''Voter Suppression Act,'' could return us to the ''good old boys'' days of Jim Crow laws. It is a proposal that has the effect of intimidating minority voters and creating a double standard that makes it more difficult for American citizens, who do not meet these new Republican superimposed criteria, to vote. For the Party of Lincoln, the Party of ''states' rights'' to interject this unprecedented level of big brother, big government is a shame.

Minnesota has led the nation in voting participation for the past few decades by providing election day registration and extended absentee ballot procedures. To date, there have been no examples of widespread scandal or voter fraud. At a time that we should be doing more to empower new voters and facilitate the voting process, this measure moves backwards to a process which is a proven failure.

Mr. Speaker, none of us condone illegal voting. But this is an issue that has been and should continue to be addressed at the state and local level. If the Republican members are truly concerned about how minority voters vote, maybe they should end their policies designed to divide our nation and penalize minorities instead of trying to frustrate the legitimate exercise of their franchise, the right to vote. I urge a ''No'' vote on H.R. 1428.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today in strong opposition to H.R. 1428 which seeks to limit eligibility for voter registration by the creation of a new federal voter eligibility system to confirm the citizenship of registered voters.

This apparently politically-motivated bill would amend the Immigration and Nationality Act to establish a system through which the Commissioner of Social Security and the Attorney General must respond to local voting officials who question, for one reason or another, the citizenship of voter registration applicants.

My colleagues, I ask you is this bill necessary? What evidence is there of widespread voter registration fraud by noncitizens?

Instead of combating voter registration fraud H.R. 1428 would likely foster discrimination instead, because it would allow state and local officials to drop American citizens from the voter rolls solely on the basis of their ''ethnic sounding'' last name or because of the fact that they live in a predominantly minority neighborhood.

Additionally, it is an unworkable bill since neither the Social Security Administration nor the INS can confirm the vast majority of citizens born in the U.S.

I urge my colleagues to oppose this potentially discriminatory and mischievous bill. At a time when voter turnout is already at record lows, this bill would make sure even fewer citizens vote.

Mr. PAUL. Mr. Speaker, I rise in opposition to the Voter Eligibility Verification Act (H.R. 1428). My opposition to this bill is not because I oppose taking steps to protect the integrity of the voting process, but because the means employed in this bill represent yet another step toward the transmutation of the Social Security number into a national identification number by which the federal government can more easily monitor private information regarding American citizens.

The Social Security number was created solely for use in administering the Social Security system. Today, thanks to Congress, parents must get a Social Security number for their newborn babies. In addition, because of Congress, abuse of the Social Security system also occurs at the state level such in many states, one cannot get a driver's license, apply for a job, or even receive a birth certificate for one's child, without presenting their Social Security number to a government official.

Now Congress is preparing to authorize the use of the Social Security number to verify citizenship for purposes of voting. Opponents of this bill are right to point out that, whatever protections are written in this bill, allowing states to force citizens to present a Social Security number before they can vote will require the augmentation of a national data base—similar to those created in the Welfare Reform and the Immigration Bills of 1996.

Mr. Speaker, clearly we are heading for the day when American citizens cannot work, go to school, have a child, or even exercise their right to vote without presenting what, in effect, is quickly becoming a national I.D. card.

National I.D. cards are trademarks of totalitarian governments, not constitutional republics. I'm sure all of us have seen a movie depicting life in a fascist or communist country where an official of the central state demands to see a citizen's papers. Well the Founders of the Republic would be horrified if they knew that the Republic they created had turned into an overbearing leviathan where citizens had to present their ''papers'' containing a valid government identification number before getting a job or voting.

In order to protect the privacy rights of America's citizens, I plan to soon introduce the Privacy Protection Act, which will forbid the use of the Social Security number for any purpose other than for the administration of the Social Security system. I would urge my colleagues to support this bill when introduced and vote against the Voter Eligibility Act. It is time for Congress to protect the Constitutional rights of all Americans and stop using the Social Security number as a de facto national identification card.

Mrs. MORELLA. Mr. Speaker, all Americans are concerned with maintaining and improving the integrity of our nation's elections. We know that, in some recent cases, illegal immigrants and others not legally qualified to vote have registered and cast ballots. A number of bills have been introduced in this Congress to deal with this problem.

Regrettably, H.R. 1428, while attempting to restore electoral integrity, actually threatens to return us to a darker era in our nation's history, when people's voting rights were frequently challenged or harassed and their right to cast ballots was denied.

H.R. 1428 would allow local officials to check the eligibility of registered voters by submitted names from the voting rolls to the Immigration and Naturalization Service or the Social Security Administration. But how will the names be chosen? Will the Smiths, the Johnsons, and the Andersons be scrutinized, or will the efforts of local officials be more focussed on the Singhs, the Martinezes, and the Nguyens? Unfortunately, the historical record would indicate the latter.

In addition, the bill presumes that the INS and the SSA will have their records available and updated for use by local officials, which we know is not likely to be the case. And should local election officials not be able to confirm citizenship, they can drop voters from the rolls without having proven that they are not qualified to vote.

Mr. Speaker, rightly or wrongly, Hispanic-Americans and other immigrants to our country feel a growing bias against them. U.S. citizens living in my district who were born in Latin America have expressed their growing frustration and fear with harassing INS raids which treat all immigrants as suspects; they are being denied the presumption of innocence. A Salvadoran-American woman living in my district, who has been a resident and a citizen for more than 20 years, never leaves her house without her U.S. passport, for fear that she may be harassed or detained by immigration or other law enforcement authorities.

H.R. 1428 threatens to intensify the growing feeling of alienation among immigrant U.S. citizens, without assuring that it can easily, reasonably, or fairly accomplish its objective of ballot integrity. For these reasons, I must oppose H.R. 1428.

Mr. POSHARD. Mr. Speaker, I rise today in strong opposition to H.R. 1428, the Voter Eligibility Protection Act. This legislation would permit state and local voting officials to verify the citizenship of registered voters through the Social Security Administration or the Immigration and Naturalization Service. I would urge my colleagues to vote against this misguided attempt to undermine one of our most precious, fundamental and hard-fought rights, the right to vote.

It is clear to me that this bill would intimidate voters by subjecting them to a burdensome process of citizenship verification. Most upsetting is that it would disproportionately impact Americans of color, who will be suspect for no other reason than the way they look. At a time when we should be continuing our efforts to open the electoral process to more Americans, particularly more minorities, to ensure that all groups are adequately represented, I am astonished that my colleagues would even consider a measure that will undoubtedly have the opposite effect. H.R. 1428 threatens to keep millions of voters from exercising their rights, and that is the very last thing this Congress should be doing.

In addition to the shamefully discriminatory impact that will result from this legislation, there is the simple fact that the measure will not work. Both INS and SSA have themselves admitted that they lack the capacity to accurately verify the citizenship status of voters. H.R. 1428 would violate the privacy rights of voters, undermine the Voting Rights Act and the National Voter Registration Act, discourage eligible Americans from voting, and foster discrimination when we should be working to eradicate it and instead celebrate the diversity that is such a critical component of this great nation. All this, and the legislation would not even accomplish its purported goals.

I will oppose this measure, and I urge my colleagues to do the same.

Ms. BROWN of Florida. Mr. Speaker, I rise today with grave concern regarding legislative

initiatives to restrict voter registration and turnout. The so-called ''Voter Eligibility Confirmation System'' in effect threatens voting rights of the American constituency.

As introduced, this legislation would establish a federal program for state and local elected officials to ''confirm'' the citizenship of registered voters and voter registration applicants. The proposal would allow elected officials to submit the names of voter registration applicants and registered voters to the Immigration and Naturalization Service and the Social Security Administration for citizenship confirmation through a computerized system.

With all due respect to my Colleague, this is bad policy! The data on which this system is based is inaccurate. The fact is that an American citizen can have a social security number and stand the possibility of not being confirmed as a citizen by the Social Security Administration. Thousands of U.S. citizens were naturalized before the agency began keeping computer records at all. As a result, our fellow Americans will be targeted to have their voting rights undermined by the use of such a system.

Historically, women and minorities in our Nation have been singled out and questioned based on their surnames or appearance. Although this American struggle has made many progressions, this act of discrimination should not and must not be tolerated by our distinguished House.

Under current federal and state laws, both voter registration fraud and voter fraud are crimes. The notion that massive citizenship verification procedures are needed does not align with the facts. The data received from the House Oversight Committee hearing in 1995 revealed that the real problem of voter fraud had to do with the abuses of State absentee ballot laws, NOT by Latinos or Asian Americans.

Let's get real. This bill attempts to set measures that not only overturns the Privacy Act projections, but recreates a system that affects the minorities in our America.

As the Honorable Jimmy Carter so eloquently stated in his 1981 farewell address, ''America did not invent human rights. In a very real sense . . . human righters invented America.''

As we move into the new millennium, let us continue to build bridges in our Nation. We need to address the facts of this proposed legislation and not be distracted by the rhetoric.

All Americans should have the inalienable right to vote and that right must not be determined based on whether an elected official decides that one of our fellow Americans is ''ethnic-looking'' verses ''American-looking.''

In closing, I will leave with the powerful statement of the Reverend Dr. Martin Luther King, Jr., ''Injustice anywhere is a threat to justice everywhere.''

Ms. KILPATRICK. Mr. Speaker, I rise today in staunch and vehement opposition to H.R. 1428, the Voter Eligibility Verification Act. This bill would repress the participation of legal, U.S. citizens in the process of both registering to vote and participation in elections. Furthermore, it would erode the hard-earned gains of the Voting Rights Act of 1965, and I encourage my colleagues to oppose this legislation on final passage. This bill, which was not considered in either the House Judiciary Committee nor the House Oversight Committee for a markup, is being pushed onto the floor under the ''suspension of the rules'' calendar. This method does not allow Members of Congress, in support or opposition to this bill, to offer amendments or engage in more than 40 minutes of debate.

H.r. 1428 would require American citizens, whom the Immigration and Naturalization Service (INS) and the Social Security Administration could not confirm to be citizens, to be selectively removed from registration lists. As a Member of the House Oversight Committee, I have first-hand knowledge of how flawed, by the INS's own admission, the INS database is. According to researchers of the INS database during the contested election of California's 46th Congressional District, William Thomas was listed as a possible person who might not be eligible to vote in the 46th Congressional District in California. The INS database does not contain data on any native-born citizens. Even naturalized citizens—citizens who pay taxes, work legally, and are probably going to fight and possibly die, in another war against Iraq—are not included in this INS database.

What is worse is that the database for the Social Security Administration is equally flawed. Before 1978, the Social Security Administration did not collect information on citizenship or country of origin. Therefore, citizens—including the vast majority of the membership of Congress—who received a Social Security card before 1978 probably would not be able to register or vote under H.R. 1428. This bill would also make Social Security numbers part of the public record. As many Members of Congress know, two employees of the Legislative Resource Center were fired by Chairman WILLIAM THOMAS because of their alleged mis-handling of the Social Security numbers of employees of the House of Representatives. If it is wrong for Congress to make the Social Security numbers of its employees public, it is wrong for states and municipalities to do the same.

This legislation does nothing to ensure that naturalized citizens or U.S. born citizens will not be discriminated against. As an African American, I cannot recount the number of times that I felt the sting of discrimination or prejudice because I did not fit someone's mind-set of what an ''American'' looked like. It is one thing if a blue-eyed, white male is trying to register or vote. It is another thing for a dark-skinned, Latina female with an accent to try to register or vote. This bill hearkens back to the days before the adoption of the 1965 Voting Rights Act in which there were grandfather clauses, poll taxes, literacy tests and outright intimidation by ''poll watchers'' to determine just who could or could not either register or vote.

It saddens me to know that, after a generation, some of the same issues of equality and fairness that one of my constituents, civil rights titan Rosa Parks, stood for are being eroded today. It saddens me to know that, after a generation, some of the same issues of freedom and enfranchisement, a citizen of the City of Detroit, civil rights martyr Viola Liuzzo, died for are being threatened today. It saddens me to know that, as a current Member of Congress, I receive the notice of threats against my life to fight for justice. Let the record reflect that I am not placing my meager work on the same standard as these two courageous and brave persons. What I am saying is that it is regrettable that we, as a nation, have obviously learned so little from the struggle fought, lives lost, and freedom gained from 33 years worth of challenge and controversy.

It is my hope that the wisdom of truth, justice and fairness will prevail today on the floor of the House of Representatives. This bill must be stopped. In the spirit of Rosa Parks, in the memory of Viola Liuzzo, let us stop the erosion of access of freedom and justice. Let us maintain the integrity and validity of our elections. Let us encourage all citizens to register and vote. Vote against H.R. 1428 on final passage.

Mr. WATT of North Carolina. Mr. Speaker, I yield back the balance of my time.

Mr. PEASE. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. GINGRICH), the Speaker of the House.

Mr. GINGRICH. Mr. Speaker, I could tell from the emotionalism of the attacks that those who are opposed to this bill did not have very many facts to work on so they decided to use rhetoric and symbolism.

This bill is actually quite simple. It has a very simple premise: One should be an American citizen to participate in an American election. This is not a complicated idea. A person can be a black American as a citizen, I would say to my friend; they can be a yellow American citizen, a red American citizen, a white American citizen, a brown American citizen, they can be a tall American citizen, a short American citizen, but they should be an American citizen.

We can have the full range of diversity. Persons may have emigrated from Fiji or emigrated from Ireland. I would say to my friend from Rhode Island, since I was a Doherty on my grandmother's side, certainly we want those Irish who are here legally to vote if they are citizens. But we do not want Irish who are here illegally, nor do we want anyone else who is here illegally to vote.

I listened for a long time to rhetoric, now I think it is time to talk about what this bill is about. This is a narrowly drawn bill. The essence of this bill is simple and it is based, frankly, on the recommendations of the Secretary of State of California. The Secretary of State of California says there are people voting in California who are not citizens and he does not have the means to check them.

Now, somebody said the Immigration and Naturalization cannot support this bill. Frankly, I am shocked that anyone on the other side of the aisle would raise the issue of the Immigration and Naturalization Service. We had a report released Monday that in creating new citizens, according to an outside accounting firm, 90.2 percent of the files were handled wrong. In three offices, 99 percent of the files were handled wrong.

If anything, there ought to be a scandal about the fact that the Immigration and Naturalization Service itself, according to this estimate, last year had 38,000 citizens, had 38,000 citizens made citizens who should not have

been made citizens, 11,000 of whom, 11,000 of whom were criminals.

Now, I would say to my colleagues that, first of all, the real answer ought to be let us overhaul the Immigration and Naturalization Service so it does its job effectively, let us make sure the Social Security system has a computer that works, and then let us allow a State—what are we asking a State to do? It is not complicated. We are saying to a State to make sure that the only people participating in their elections are legal American citizens. That is the only criteria here.

People get up and make all these comments as though somehow, if they yell racist long enough, if they scream diversity long enough, if they somehow come in here and pretend this is about something else—this is a very narrow bill. Members who vote against this bill are saying they do not want to know if illegal immigrants are voting. They do not want to know if noncitizens are voting, many of whom, by the way, may be here legally, may have been told they could register even though they were not citizens and may be innocent.

All we are saying is an American citizen's right to vote is one of their most precious rights. How can we cancel out an American citizen with a noncitizen and not feel that we are somehow cheating the essence of freedom in America? This bill is about citizenship, it is about citizens being allowed to vote.

I want to repeat: If a person is an African American and a citizen, they can vote; if they are Asian American and a citizen, they can vote; if they are an Hispanic American and a citizen, they can vote; if they are a European American and a citizen, they can vote; if they are Native Americans and a citizen, they can vote. And, frankly, if their ancestors come from all five categories and they are a citizen, they can vote.

This is not about diversity, it is about enforcing the law. And I think to try to vote this down with the sham argument of racism is, in effect, a way of covering up the fact that some Members, in fact, favor allowing noncitizens to vote, allowing people who have no right to vote, and that means canceling out the legal vote of a legal citizen who should have that vote protected as one of the hallmarks of democracy.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. PEASE) that the House suspend the rules and pass the bill, H.R. 1428, as amended.

The question was taken.

Mr. WATT of North Carolina. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 210, nays 200, not voting 21, as follows:

[Roll No. 17]

YEAS—210

Aderholt	Gilchrest	Norwood
Archer	Gillmor	Nussle
Armey	Gilman	Packard
Bachus	Gingrich	Pappas
Baker	Goode	Parker
Ballenger	Goodlatte	Paxon
Barr	Goodling	Pease
Barrett (NE)	Goss	Peterson (PA)
Bartlett	Graham	Petri
Barton	Granger	Pickering
Bass	Greenwood	Pickett
Bateman	Gutknecht	Pitts
Bereuter	Hall (TX)	Pombo
Bilbray	Hansen	Porter
Bilirakis	Hastert	Portman
Bliley	Hastings (WA)	Pryce (OH)
Blunt	Hayworth	Quinn
Boehner	Hefley	Radanovich
Bonilla	Herger	Ramstad
Brady	Hill	Redmond
Bryant	Hilleary	Regula
Bunning	Hobson	Riley
Burr	Hoekstra	Rogan
Burton	Horn	Rogers
Calvert	Hostettler	Rohrabacher
Camp	Hulshof	Roukema
Campbell	Hunter	Royce
Canady	Hyde	Ryun
Cannon	Inglis	Salmon
Castle	Istook	Sanford
Chambliss	Jenkins	Saxton
Chenoweth	Johnson (CT)	Scarborough
Christensen	Johnson, Sam	Schaefer, Dan
Coble	Jones	Sensenbrenner
Coburn	Kasich	Sessions
Collins	Kelly	Shaw
Combest	Kim	Shimkus
Cook	King (NY)	Shuster
Cooksey	Kingston	Skeen
Cox	Klug	Smith (MI)
Crane	Knollenberg	Smith (NJ)
Crapo	Kolbe	Smith (TX)
Cubin	LaHood	Snowbarger
Cunningham	Latham	Solomon
Davis (VA)	LaTourette	Souder
Deal	Lazio	Spence
DeLay	Leach	Stearns
Deutsch	Lewis (CA)	Stump
Dickey	Lewis (KY)	Sununu
Doolittle	Linder	Talent
Dreier	Lipinski	Tauzin
Duncan	Livingston	Taylor (MS)
Dunn	LoBiondo	Taylor (NC)
Ehlers	Lucas	Thomas
Ehrlich	Manzullo	Thornberry
Emerson	McCollum	Thune
English	McCrery	Tiahrt
Ensign	McDade	Turner
Ewing	McHugh	Upton
Fawell	McInnis	Wamp
Foley	McIntosh	Watkins
Fossella	McKeon	Watts (OK)
Fowler	Metcalf	Weldon (FL)
Fox	Mica	Weldon (PA)
Franks (NJ)	Moran (KS)	Weller
Frelinghuysen	Myrick	White
Gallegly	Nethercutt	Whitfield
Ganske	Neumann	Wicker
Gekas	Ney	Wolf
Gibbons	Northup	Young (FL)

NAYS—200

Abercrombie	Boyd	DeGette
Ackerman	Brown (CA)	Delahunt
Allen	Brown (FL)	DeLauro
Andrews	Brown (OH)	Diaz-Balart
Baesler	Cardin	Dicks
Baldacci	Carson	Dingell
Barcia	Chabot	Dixon
Barrett (WI)	Clay	Doggett
Becerra	Clayton	Dooley
Bentsen	Clyburn	Doyle
Berman	Condit	Edwards
Berry	Conyers	Engel
Bishop	Costello	Etheridge
Blagojevich	Coyne	Evans
Blumenauer	Cramer	Farr
Boehlert	Cummings	Fattah
Bonior	Danner	Fazio
Borski	Davis (FL)	Filner
Boswell	Davis (IL)	Forbes
Boucher	DeFazio	Ford
Frank (MA)	Matsui	Rush
Frost	McCarthy (MO)	Sabo
Gejdenson	McCarthy (NY)	Sanchez
Gephardt	McDermott	Sanders
Gordon	McGovern	Sandlin
Green	McHale	Sawyer
Gutierrez	McIntyre	Schaffer, Bob
Hall (OH)	McKinney	Schumer
Hamilton	McNulty	Scott
Hastings (FL)	Meehan	Serrano
Hefner	Meek (FL)	Shays
Hilliard	Meeks (NY)	Sherman
Hinchey	Menendez	Sisisky
Hinojosa	Millender-McDonald	Skaggs
Holden	Miller (CA)	Skelton
Hooley	Minge	Slaughter
Houghton	Moakley	Smith, Adam
Hoyer	Mollohan	Smith, Linda
Hutchinson	Moran (VA)	Snyder
Jackson (IL)	Morella	Spratt
Jackson-Lee (TX)	Murtha	Stabenow
John	Nadler	Stark
Johnson, E.B.	Neal	Stenholm
Kanjorski	Oberstar	Stokes
Kaptur	Obey	Strickland
Kennedy (MA)	Olver	Stupak
Kennedy (RI)	Ortiz	Tanner
Kennelly	Owens	Tauscher
Kildee	Pallone	Thompson
Kilpatrick	Pascrell	Thurman
Kind (WI)	Pastor	Tierney
Kleczka	Paul	Torres
Klink	Payne	Traficant
Kucinich	Pelosi	Velazquez
LaFalce	Peterson (MN)	Vento
Lampson	Pomeroy	Visclosky
Levin	Poshard	Walsh
Lewis (GA)	Price (NC)	Waters
Lofgren	Rahall	Watt (NC)
Lowey	Rangel	Waxman
Luther	Reyes	Wexler
Maloney (CT)	Rivers	Weygand
Maloney (NY)	Rodriguez	Wise
Manton	Roemer	Woolsey
Markey	Ros-Lehtinen	Wynn
Martinez	Rothman	Yates
Mascara	Roybal-Allard	

NOT VOTING—21

Buyer	Harman	Oxley
Callahan	Jefferson	Riggs
Clement	Johnson (WI)	Schiff
Eshoo	Lantos	Shadegg
Everett	Largent	Smith (OR)
Furse	Miller (FL)	Towns
Gonzalez	Mink	Young (AK)

☐ 1412

Ms. BROWN of Florida, Ms. ROYBAL-ALLARD and Mr. BECERRA changed their vote from ''yea'' to ''nay.''

Mr. GILMAN and Mr. LEACH changed their vote from ''nay'' to ''yea.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

☐ 1415

RECOGNIZING AND CALLING ON ALL AMERICANS TO RECOGNIZE THE COURAGE AND SACRIFICE OF MEMBERS OF THE ARMED FORCES HELD AS PRISONERS OF WAR DURING THE VIETNAM CONFLICT

Mr. WATTS of Oklahoma. Mr. Speaker, I ask unanimous consent that the Committee on National Security be discharged from further consideration of the resolution (H. Res. 360), recognizing and calling on all Americans to recognize, the courage and sacrifice of the members of the Armed Forces held as prisoners of war during the Vietnam conflict and stating that the House of

Representatives will not forget that more than 2,000 members of the United States Armed Forces remain unaccounted for from the Vietnam conflict and will continue to press for a final accounting for all such servicemembers whose fate is unknown, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. LATHAM). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 360

Whereas participation by United States Armed Forces in combat operations in Southeast Asia during the period from 1964 through 1972 resulted in as many as 8,000 United States servicemen being taken prisoner by enemy forces;

Whereas the first such United States serviceman taken as a prisoner of war, Navy Lt. Commander Everett Alvarez, was captured on August 5, 1964;

Whereas following the Paris Peace Accords of January 1973, 591 United States prisoners of war were released from captivity;

Whereas the return of these prisoners of war to United States control and to their families and comrades was designated Operation Homecoming;

Whereas many United States servicemen who were taken prisoner as a result of ground or aerial combat in Southeast Asia have not returned to their loved ones and their fate remains unknown;

Whereas United States prisoners of war in Southeast Asia were routinely subjected to brutal mistreatment, including beatings, torture, starvation, and denial of medical attention;

Whereas United States prisoners of war were held in a number of facilities, the most notorious of which was Hoa Loa Prison in downtown Hanoi, dubbed the ''Hanoi Hilton'' by the prisoners held there;

Whereas the hundreds of American prisoners held in the Hanoi Hilton and other facilities persevered under terrible conditions;

Whereas the prisoners were frequently isolated from each other and prohibited from speaking to each other;

Whereas the prisoners nevertheless, at great personal risk, devised a means to communicate with each other through a code transmitted by tapping on cell walls;

Whereas then-Commander James B. Stockdale, United States Navy, who upon his capture on September 9, 1965, became the senior POW officer present in the Hanoi Hilton, delivered to his men a message that was to sustain them during their ordeal, as follows: Remember, you are Americans. With faith in God, trust in one another, and devotion to your country, you will overcome. You will triumph;

Whereas among the prisoners held in the Hanoi Hilton was then-Major Sam Johnson, United States Air Force, now a Representative in Congress from Texas, who was shot down on April 16, 1966, while flying his 25th mission over North Vietnam and while a prisoner conducted himself with such valor as to be labeled by the enemy as a die-hard resister and, notwithstanding the tremendous suffering inflicted upon him, continually demonstrated an unfailing devotion to duty, honor, and country, and who during his military career was awarded two Silver Stars, two Legions of Merit, the Distinguished Flying Cross, one Bronze Star with Valor, two Purple Hearts, four Air Medals, and three Outstanding Unit awards, who retired from active duty in 1979 in the grade of colonel, and who personifies the verse in Isaiah 40:31, ''They shall mount with wings as eagles'';

Whereas among the prisoners held in the Hanoi Hilton was then-Captain Pete Peterson, United States Air Force, a former Representative in Congress from Florida who is now serving, in a distinguished manner, as the United States Ambassador to Vietnam, who was shot down on September 10, 1966, and while a prisoner conducted himself with valor and, notwithstanding the tremendous suffering inflicted upon him, continually demonstrated an unfailing devotion to duty, honor, and country, and who during his military career was awarded two Silver Stars, one Legion of Merit, the Distinguished Flying Cross, three Bronze Stars with V Devices, two Purple Hearts, six Air Medals, one Air Force Commendation Medal, the Vietnam Service Medal with eight devices, and one Meritorious Service Medal, and who retired from active duty in 1981 in the grade of colonel;

Whereas the men held as prisoners of war during the Vietnam conflict truly represent all that is best about America;

Whereas the 25th anniversary of Operation Homecoming begins on February 12, 1998; and

Whereas the Nation owes a debt of gratitude to these patriots for their courage and exemplary service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its gratitude for, and calls upon all Americans to reflect upon and show their gratitude for, the courage and sacrifice of the brave men, including particularly Sam Johnson of Texas and Pete Peterson of Florida, who were held as prisoners of war during the Vietnam conflict;

(2) urges States and localities to honor the courage and sacrifice of those brave men with appropriate ceremonies and activities; and

(3) acting on behalf of all Americans, will not forget that more than 2,000 members of the United States Armed Forces remain unaccounted for from the Vietnam conflict and will continue to press for a final accounting for all such servicemembers whose fate is unknown.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. WATTS) is recognized for 1 hour.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Oklahoma for yielding this time to me.

Let me just say that anybody who serves this country in the armed services and fights and lays their life on the line for all of us deserves everything that we can give them. Honor. Respect. Everything.

But those who spend time in prison camps, prisoner-of-war camps, and have had to endure the hardships and the torture and pain of that are special to me and should be to every American because they pay a price even above those that give their lives because they have to go through daily torture for long periods of time. And so my heart goes out to them and their families who have had to pay that sacrifice over the years and during the Vietnam war.

Today I want to specifically talk about my good friend, the gentleman from Texas (Mr. SAM JOHNSON), who is a Member of this body, who spent 7 years, 7 years in a POW camp in Vietnam during the Vietnam war.

Mr. Speaker, our good friend, the gentleman from Texas (Mr. SAM JOHNSON) was shot down on April 16, 1966, while flying on his 25th mission over North Vietnam, and as I said, he spent 7 years in POW camps and 2 years in the infamous Hanoi Hilton. And during the time he was in the Hanoi Hilton along with his colleagues, I think there were 11 or 12 of them, he lived in leg irons, suffered malnutrition and lived in appallingly primitive conditions. And they were mistreated, they were tortured, and yet the gentleman from Texas never, never gave in. He was a real patriot under very difficult conditions.

And here he is 25 years later, now a Member of the Congress of the United States, and the resoluteness he showed during his incarceration in Hanoi and the Hanoi Hilton is just as strong today as it was back then. He is a patriot whose spirit was never broken, and I am very proud he is a Member of the Congress of the United States, and I am very, very proud that he is my friend.

Mr. WATTS of Oklahoma. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I yield myself such time as I may consume, and, Mr. Speaker, I thank the gentleman from Oklahoma (Mr. WATTS) for yielding this time to me.

Mr. Speaker, I am honored today to rise in support of this important resolution which honors the U.S. military personnel who were held as prisoners of war during the Vietnam conflict. I am equally honored to serve in this House with my good friend, the gentleman from Texas (Mr. SAM JOHNSON) and another colleague, Mr. PETERSON, who is also being honored in this resolution.

Acknowledging the courage and sacrifice of this Nation's POWs and reinforcing the commitment to continuing to press for a final accounting of those servicemen who remain missing in action is very appropriate, and I am pleased that we are considering this resolution on this 25th anniversary of the release of many of Vietnam's POWs.

As a Vietnam veteran myself, I understand the horror of that war and the great sacrifices that were made by my comrades in arms from throughout this Nation, but I, like most in this body and in this country, can never understand the nightmare experienced by our POWs. While we are all subject to terrible living conditions, missing loved ones, fear of losing our lives to the Vietcong hostile fire, we were, however, the fortunate ones.

The POWs and the MIAs had so much more to deal with. They were routinely subjected to brutal mistreatment, including beatings, torture, starvation, the denial of medical attention. That

they were also kept apart for many, many years from seeing another American was an added hardship.

Let us not forget their families. Their families suffered equally, and families today suffer not knowing the final outcome of those men and women missing in action. Many loved ones do not know the fate of their soldiers still living today. I think that we should reflect today on the sacrifice of these families.

We also should acknowledge the continued suffering of the families of those, as I mentioned, who are missing in action. We must continue to seek information about these missing men for the families and because the United States military is loathe to leave behind any of its soldiers, sailors, airmen or Marines. We in the House of Representatives must help the families in the military continue seeking information about these 2,000 service members who remain unaccounted for.

It has been said many times, all gave some and some gave all, as well as blessed are the peacekeepers. Blessed truly are our POWs and MIAs.

I stand here in the people's House saying, God bless our POWs, our MIAs and everyone whose lives they have touched.

Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Iowa (Mr. BOSWELL).

(Mr. BOSWELL asked and was given permission to revise and extend his remarks.)

Mr. BOSWELL. Mr. Speaker, I too rise to salute the gentleman from Texas (Mr. SAM JOHNSON). I had a couple of tours in Vietnam, and I can say very openly that one of the things I did not want to happen to me is what happened to him. I did not want to burn in one of those helicopters, and I did not want to be a prisoner, and I thought about it many, many days.

I was privileged that an associate of mine that I went through flight school with, name was JOHNSON, he and I had the mission to go after James Roe in the Delta. Remember Roe? And 5 years that he had been subjected to the conditions of a prisoner and the Delta and so on, and we alternated days. We had other missions to run, so we alternated days; and I cannot tell my colleagues our thrill the day that we got him. We almost shot him, but we got him, and I wish I could share some of the things he had to say.

Anyway, I am very appreciative that we take the time. I occasionally will go down to The Wall and recognize some names there, and I have to thank my good fellow upstairs that mine's not there too, and I am sure the gentleman from Texas thought that more than a few times. And I also have go through my mind different times about those that are missing in action, and I cannot think of a worse thing than to be an American citizen, have carried the flag and gone into conflict at the behest of this country and then circumstances would come that because of a prisoner and time and so on, to have it in mind, to have it in one's mind, is everything being done, is everything being done to get that person out? And that would be tough.

I just cannot think of a worse thought to go through somebody's mind in that condition than to think, I wonder if they are really trying to get me; and so I hope that we do remember those folks and those families.

Too often we go off to war, different ones, and left the little children behind, and I left little children behind when I went for my second tour. I will never forget the look in the eyes of my middle daughter, and she said, ''Daddy, do you really have to go?'' Television, battlefields all the time, every day, and I said, ''Cindy, yes, I have to go.'' And it was pretty tough.

So I appreciate the gentleman from Texas (Mr. REYES) making the comment that he has about the families, and we cannot do enough to remember those not only in that conflict but others that made that sacrifice. And families should be included. So to the gentleman from Texas (Mr. SAM JOHNSON), again I thank him, welcome him home and God bless him and all those that have served as he did.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. WATTS) for yielding this time to me, and let me say from the outset, I will not use the entire 5 minutes because we have so many people who want to speak on this.

I was reading about the stay of the gentleman from Texas (Mr. SAM JOHNSON) in North Vietnam and thinking about it as he and I have talked about it and thinking about others that stayed there, and we are going to hear all the details so many times about how he was shot down on April 16, 1966, and how he was released on February 13, 1973. But there is one detail I think that tells me that the SAM JOHNSON held captive with the Vietnamese all those years ago is the same SAM JOHNSON I know today in the House of Representatives.

See, the Vietnamese concluded, as I have concluded, that he is a stubborn man. They called him a diehard. They thought, even as a prisoner of war, this stubborn man was a threat to their victory, and they took him and nine others that were particularly stubborn and put them in isolation in a prison that was particularly vicious called by the Americans ''Alcatraz.'' For 2½ years SAM JOHNSON remained in that prison in isolation from all the others, and he remained a stubborn man.

Then, as now, the gentleman from Texas (Mr. SAM JOHNSON) was stubborn about his love for this country and his faith in God, and it brought him home. I thank him.

Mr. REYES. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, it is with great honor and pride that I am here today with my colleagues to honor the gentleman from Texas (Mr. SAM JOHNSON) and the other prisoners of war from the Vietnam war. As a former Marine and a Vietnam veteran, I think our hearts go out to everyone who served in that war and particularly to the 591 folks that came home as former POWs.

□ 1430

I particularly like the way the wording of this resolution read. We could talk about the thousands of prisoners of war, we could talk about the 591 that came home, but when we read one man's story, it means a whole lot more to the American public and to those folks that really did not follow the events of that period, or perhaps are too young to remember the events of that period. The old story about one person is a story and 1,000 is a statistic, and we know that SAM JOHNSON is not a statistic, but is a very honored man in his home country and in his State.

So we are proud of the gentleman from Texas (Mr. SAM JOHNSON), we are proud of all of the men and women that have served in Vietnam, and I am proud to add my name to this resolution today.

Mr. WATT of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I too rise to pay tribute to a great American, SAM JOHNSON. He is a dear friend, and certainly a true profile in courage. Tomorrow marks, as has already been said, the 25th anniversary of Operation Homecoming, when the gentleman from Texas (Mr. SAM JOHNSON) and 738 other American prisoners of war returned to the United States from imprisonment by the North Vietnamese.

On this day in 1973, SAM JOHNSON boarded a plane in Hanoi's airport and returned home after having spent 7 years as a prisoner of war at the hands of the North Vietnamese. He endured unspeakable torture, lived in primitive conditions and suffered from malnutrition, and when one shakes SAM's hands, one can feel the torture in his hands. Two things helped him survive those awful years in North Vietnam: a very, very strong faith in God, and a deep, deep love of his wife, Shirley.

For 2 of those 7 years SAM JOHNSON was imprisoned in that infamous Hanoi Hilton. It was there that he endured the worst of his torture. Communications between the prisoners as a well-known story was forbidden, but that did not stop the Americans from developing an intricate tap code that helped the prisoners maintain their sanity. Once, when JOHNSON and Commander James Stockdale were caught using this tap code, the Vietnamese retaliated with the worst kind of punishment. They put SAM in a cell about 2½ feet wide by 8 feet long. The Americans derisively called that cell ''The Mint''

after a Las Vegas hotel. It was in The Mint where SAM JOHNSON was set in stocks so tight he could not even move.

The Vietnamese kept SAM in that cell in those stocks for 72 days, and on the 72nd day, a typhoon struck Hanoi Hilton. Water flooded SAM's cell. He thought he was going to drown. So he prayed, and he prayed that night like he had never prayed before, and when he awoke the next morning, he discovered that he had actually survived, thanks to God. Not only had he survived, but the typhoon had blown the boards off his cell and he saw the sun for the first time in 72 days.

SAM JOHNSON serves as an inspiration of every Member of this House. He endured that pain of imprisonment fighting for his country. Nobody knows the value of freedom more than the gentleman from Texas (Mr. SAM JOHNSON).

We are all honored by his presence in this House, and I am honored and very proud to call SAM JOHNSON a friend of mine.

Mr. REYES. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), my friend and colleague.

Mr. BONIOR. Mr. Speaker, I thank my friend from Texas (Mr. REYES) for yielding me this time.

I want to rise in support of this resolution. I want to thank those, including the Speaker and the leadership on the other side of the aisle, for offering it, and I want to commend, as my colleagues have, the distinguished gentleman from Texas (Mr. SAM JOHNSON), for his service to this country.

I came here almost 22 years ago and one of the first things that I involved myself in in this body was putting together a group of Members, Vietnam era veterans. There were 11 of us at that time. The gentleman from Pennsylvania (Mr. MURTHA), to my right, was one of them; the gentleman from Vermont, Mr. JEFFORDS was another one, Vice President GORE, and there were others as well. And at that time it was very clear that Vietnam veterans were receiving a very short end of the legislative pie in this Congress. Their education benefits were not adequate, their health care benefits were not adequate, their readjustment counseling benefits were almost nonexistent; and so together, Republicans and Democrats, we put together a program, and little by little, it got enacted over a period of 2 or 3 years. We even had difficulty getting recognition for Vietnam veterans back then.

I remember a bunch of us had a tree planted over near Constitution Gardens about 22 years ago to commemorate Vietnam veterans before the wall was even conceived, and then of course Jay Scruggs and a few others came along and we put together a group and we worked very hard to get the Vietnam Veterans Memorial that has meant so much to so many in this country.

It has been a long road, but I think on this issue we have seen Republicans and Democrats come together, and they have come together because of the courage of Mr. JOHNSON from Texas, and the courage of people like Pete Peterson from Florida, our Ambassador to Vietnam today. These people gave an enormous amount for their country. We owe them the deepest sense of gratitude, as we owe all people who serve in our Armed Forces.

So it is with that that I want to commend the gentlemen who have introduced this legislation, to thank those who have served in our Armed Forces, especially our Vietnam veterans whom we specifically honor today, and of course those who are missing and who have been prisoners of war. We deeply feel and understand their pain, and we particularly appreciate their sacrifices.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, as a member of the House Committee on National Security, I rise to pay tribute to the many thousands of Americans who have been held as prisoners of war and the many thousands of Americans who are still missing in action. Today marks the 25th anniversary of the release of the first American POWs from North Vietnam, and accordingly, I urge my colleagues here today to support this resolution which honors those 591 American POWs who were reunited with their families 25 years ago today in a mission known as Operation Homecoming.

Today, Mr. Speaker, there are still 8,100 American soldiers who fought valiantly in the Korean War and still have yet to return home. We have yet to locate their whereabouts. Today, there are still some 2,500 American men and women who battled in the streets and jungles of Southeast Asia during the Vietnam War and still have yet to return home. We have yet to determine their whereabouts.

Let me tell my colleagues a story to illustrate the sacrifices that America's soldiers have made to secure freedom in our land. I want to tell my colleagues about Captain Bruce Johnson, a soldier from Michigan. On May 25, 1965, Captain Johnson was being airlifted with 6 other soldiers to a location in South Vietnam where they were needed to offer assistance to a Special Forces unit in trouble.

While the relief helicopter carrying Captain Johnson was landing, it came under heavy mortar and small arms fire. In an attempt to avoid furious assault, the aircraft took off and tried to gain altitude, only to lose control and crash into some nearby parked vehicles.

An American pilot circling the area soon established contact with Captain Johnson and Captain Johnson reported sadly that he was the lone survivor. Captain Johnson also reported that the situation around him was grim and that he was under heavy fire and that no more American personnel should be sent to this location. It was just too dangerous. Shortly thereafter, contact was lost with Captain Johnson.

One week later, when our military finally secured the area, a search was conducted of the crash site, but Captain Johnson was nowhere to be found. Residents of the nearby town said that an American soldier had been taken prisoner and had been seen recently in this particular town. However, these residents were either unable or unwilling to provide further information. To this day, no further information regarding Captain Johnson has surfaced. No one has stepped forward to account for his whereabouts.

Captain Johnson is an American hero. He risked his life to safeguard his fellow soldiers and he risked his life to protect our freedom. It is unacceptable, Mr. Speaker, that the whereabouts of Captain Johnson and other valiant Americans are yet to be determined. We must resolve in Congress to do whatever we can to get a full accounting of what happened to Captain Johnson and every one of the other men and women who have been taken prisoner or are still missing in action.

I would also like to recognize two POWs who, thank God, returned from their pain and suffering and are even today still making contributions to our great Nation. The honorable Pete Peterson, one of our former members and a distinguished member of the House Committee on National Security, was also a prisoner of war. He now serves admirably as the United States Ambassador to Vietnam, and he is working hard to find out what has happened to our men and women who are still missing in Southeast Asia. Today, Mr. Speaker, I wish to recognize Pete Peterson for his valor and dedication to protecting America's freedom.

I would also like to recognize a gentleman who is currently serving in the United States House of Representatives, and again, still making contributions to our great Nation and the great State of Texas. Our colleague, SAM JOHNSON of Texas was a POW in Vietnam for almost 7 years. He refused to cooperate when the enemy demanded that he give them important information.

Mr. Speaker, SAM JOHNSON is an American hero and all of us today salute his patriotism and his dedication to protecting his country's freedom. Mr. Speaker, in Oklahoma there is an old saying that we have: ''You don't call them cowboy until you see them ride.'' And for the last 3 years I have worked with SAM JOHNSON and I have seen him operate and I have seen him work, and I say to my friend from Texas, SAM, we call you cowboy in Oklahoma.

I will say it again. Over 8,100 American men and women who fought in Korea are unaccounted for. Over 2,500 American men and women who fought in Vietnam are still unaccounted for. Mr. Speaker, we must not rest until we account for every single one of these brave men and women. They deserve no less, and their families deserve no less.

Mr. Speaker, I call for all of my colleagues to recognize the sacrifices of

America's POWs and MIAs by supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. LATHAM). Without objection, the gentleman from Missouri (Mr. SKELTON) will manage the time on his side of the aisle.

There was no objection.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. SKELTON) is recognized.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Speaker, I would like to thank the gentleman from Missouri (Mr. SKELTON) for yielding me this time. I also want to thank the sponsors of this resolution and the gentleman from Missouri (Mr. SKELTON) for including the honorable Pete Peterson as a part of this resolution.

It is with a certain great amount of pride and humility that I am here today, not just as a Member of this distinguished body, but also as a fellow Vietnam veteran who has served alongside many brave men who did not have the fortune to return home to their family and friends, as I did.

Today, on this 25th anniversary of Operation Homecoming, I would especially like to pay my respects to two men. One, a brave fallen soldier who served by my side as my radio telephone operator, the second of the 506 101st Airborne Division in the Republic of Vietnam, Gilbert Ruff, Jr., from St. Louis, Missouri; and the other, the honorable gentleman who served as a Member of this Chamber, a war hero and former POW, a man whose seat I now hold, a man who now, after so many years, returned to Vietnam to serve as our Ambassador to that country, the Honorable Pete Peterson.

There is no doubt that this Nation owes a great debt of gratitude to those who sacrificed their lives, who fought and persevered, whose courage and service prevailed during this difficult conflict in Vietnam.

□ 1445

It is men like Gilbert and Pete that truly represent all that is good and honorable and is the best in America.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, today I rise to pay tribute to an authentic American hero, Congressman SAM JOHNSON.

Mr. Speaker, on April 16, 1966, U.S. Air Force Colonel SAM JOHNSON was shot down while flying his 25th mission over North Vietnam. And as we heard today, for the next 7 years he experienced unimaginable amounts of threats and torment and, yes, torture.

He was kept in solitary confinement. He withstood malnutrition and endured leg irons and suffered unconscionable humiliation. But though he was beaten, he was never broken. While others might have given in, he stood firm. His faith in his God was never surrendered, it was fortified.

So what do we say to a soldier who gave so much of himself to his country? And what do we say to a man who endured unthinkable torture and refused to think of giving in? What do we say to an American hero who kept the faith, stood his ground, and defended his country?

What do we say to this very special person? There is only one thing I can think of to say and that is ''Thank you.'' SAM, we thank you for your commitment to freedom and your courage to fight. To most Americans you are more than a soldier, you are a peacemaker. To me and to the rest of us who know you, you are a respected colleague and a very cherished friend.

So, Mr. Speaker, to all of those who keep the peace and who preserve freedom, but especially to our friend, SAM JOHNSON, I want to say God bless you and thank you very much.

Today I rise to pay tribute to an authentic American hero, Congressman SAM JOHNSON.

On April 6, 1966, U.S. Air Force Colonel JOHNSON was shot down while flying his 25th mission over North Vietnam. For the next seven years, Colonel JOHNSON experienced an unimaginable amount of threats, torment—and yes—torture.

He was kept in solitary confinement. He withstood malnutrition. He endured leg irons. And he suffered unconscionable humiliation.

But though he was beaten, he was never broken. Where others might have given in, SAM simply stood firm.

Through it all, his love for his country never wavered, it strengthened. His faith in his God was never surrendered, it was fortified.

What do you say to a soldier who gave so much of himself for his country?

What do you say to a man who endured unthinkable torture and refused to think of giving in?

And what do you say to an American hero who kept the faith, stood his ground, and defended his country?

What do you say to this very special person? There's only one thing you can say—thank you.

SAM, we thank you for your commitment to freedom and your courage to fight.

To most Americans you are more than a soldier, you are a peacemaker. And to me, you are more than a respected colleague, you are a cherished friend.

God bless SAM JOHNSON. And God bless all of America's warriors who keep the peace and preserve our freedom.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I congratulate the sponsors of this resolution which calls for all Americans to recognize the courage and sacrifice of members of the Armed Forces held as prisons of war during the Vietnam conflict. Especially singled out is our friend from Texas (Mr. SAM JOHNSON).

Mr. Speaker, the gentleman is an example of courage and is one for the history books, and SAM JOHNSON, we all salute you and there is no way for us to adequately empathize with what you went through. But we can say a sincere word of gratitude to you as an American and as you continue to serve our country in these halls.

Mr. Speaker, also being honored in this resolution is a gentleman who served ably and well as well as on the committee on which I now serve, Pete Peterson from Florida, who not only endured the hardships of being a prisoner of war during the Vietnam conflict, but returned and completed a successful Air Force career, was elected to Congress, and now presently serves as the United States Ambassador to that sad country. To his credit, he went back in another capacity to help heal those wounds that were so open and so sore from those many years ago.

This resolution also makes reference, excellent reference to Admiral James B. Stockdale, who I know and have great admiration for. All three of these gentlemen should be remembered and properly doing so in this resolution.

Mr. Speaker, it was 1978. I was a freshman in this body. Mississippi Congressman Sonny Montgomery asked me as the only freshman to go to Vietnam to help bring back remains of those who had died in that conflict. It was a very difficult trip. A very difficult trip.

The gentleman from Pennsylvania (Mr. MURTHA) was a member of that delegation, and we did. We met with various Vietnamese officials and we were given the remains and returned them honorably and correctly to a ceremony at the air base in Honolulu, Hawaii, a memory that I shall long remember.

This resolution calls for remembering those who sacrificed, like SAM JOHNSON, like Pete Peterson, like Admiral Stockdale. But we should also pay tribute to those who fought in that war, who wore the American uniform, who did well and returned home to work and live and experience the freedoms of our country. To them, too, we say a heartfelt thanks.

We should also, Mr. Speaker, well remember those in previous conflicts. Now, this is the 25th anniversary of the release of the prisoners, Operation Homecoming, 1973 from the Vietnam conflict. But there were previous conflicts in which Americans were held captive, were mistreated, and were able to come home to an American welcome.

I have a neighbor down the street in Lexington, Missouri, on Franklin Street, a longtime friend, George Stier, who was shot down as a pilot, a lieutenant in the United States Army Air Corps at the time, and spent many, many, many months in a stalag in Germany.

I went to a wake just a few weeks ago for another friend who more recently was mayor of Higginsville, Missouri, in Lafayette County, who was captured on Corregidor in May of 1942. He served as a marine, and he endured the hardships of the Japanese prisoner experience. Buford Thurmon, as his remains lay in the casket at that funeral home,

Buford Thurmon was wearing his beloved United States Marine uniform.

So it is to all of those today in the Vietnam conflict, and in my mind, in the other conflicts in which Americans have suffered because they were Americans, because they had courage, because they believed in this country, to them I say a heartfelt thanks and words of gratitude.

And SAM, a special thanks to you not only for what you have done, but for your work here in the Congress of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. WATTS) for yielding.

Mr. Speaker, I rise today in strong support of this resolution. Today we honor a man who withstood the agony of war and the horrors of imprisonment. SAM JOHNSON's courage is an inspiration to all Americans as we salute him on the 25th anniversary of his release from Vietnam captivity.

One of the requirements I have in my office for summer interns is to write two reports on a select number of books. One of those books was written by our colleague, SAM JOHNSON. It is called ''Captive Warriors'' and it is required reading in my office.

For many of my interns, the Vietnam War is as distant as the Civil War. After reading the book, though, they come away with a new sense of patriotism and humility because of the sacrifices that SAM JOHNSON and thousands of others made for our country.

But what makes the greatest impression on many of us is that SAM JOHNSON was held captive for nearly 7 years. Half of those years were spent in solitary confinement, yet during his years in captivity, his faith in God and country was unwavering.

Mr. Speaker, to paraphrase President John F. Kennedy, I think that a gathering of prisoners of war from Vietnam would be a most extraordinary collection of courage ever assembled since George Washington faced the British since the Revolutionary War.

Mr. Speaker, it is with great pleasure that I urge my colleagues to support this resolution in honor of my friend and colleague, SAM JOHNSON.

Mr. SKELTON. Mr. Speaker, I reserve the balance of my time.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ARCHER), the dean of the Texas delegation and the chairman of the Committee on Ways and Means.

Mr. ARCHER. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. WATTS) for yielding me this time and for managing what I believe is a very, very important moment for the House of Representatives and for the people of this country.

Mr. Speaker, the individual that we honor today is a man who walks amongst us day by day here in the House of Representatives, and many do not know about what he has been through in his life because he is so down to earth. He has got it so put together. He has such resolve and commitment for the benefit of all the people in this country. His word is his bond. He will never vary from it.

Mr. Speaker, he is an individual, as we heard from the gentleman from Texas (Mr. SMITH) who went to Vietnam because it was the right thing to do. And it was an honorable cause. Politicians let him down and let down the rest of our military personnel who made the great sacrifice in Vietnam.

But we owe him a great debt of gratitude. He knew the risk. He knew the danger. And unfortunately it befell him and his body was shattered. He endured pain and deprivation beyond anything that Americans can have any idea of.

Mr. Speaker, I hope every American can read his book. I read it and I could not put it down. I lived for 2 weeks with him and his experiences in Vietnam. But he emerged from that a man that can be an idol for all of us. Young people today can aspire to be the individual, to have the character and the attributes of this man, SAM JOHNSON.

Mr. Speaker, I am proud to call him my friend. I would follow him anywhere and know that trust, faith, hope, resolve, patriotism would be leading me.

SAM, I am honored to be your friend. I am honored to serve with you and I love you.

Mr. SKELTON. Mr. Speaker, I reserve the balance of my time.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. WATTS) for yielding me this time.

Mr. Speaker, SAM JOHNSON is my hero and today politicians give out that honor much too easily. But SAM JOHNSON is a real hero in every sense of the word.

There are few Members of this House who have given so much of themselves to this country and we have heard about that today. Few have earned the right to be called a patriot. He has answered every call to serve this country, in wartime and in peace. He has been a warrior and a public servant, and on both occasions he has fought for the same cause: freedom at home and abroad.

Mr. Speaker, when the United States asked SAM to serve to battle communism in Asia, he did not hesitate. He was in the Air Force for 29 years. He was a hero in Korea and then served again in Vietnam, as we have heard about.

□ 1500

On that day in 1966 when his F–4 was shot down over North Vietnam, an event occurred that would change his life forever, serving 7 years as a prisoner of war, three of them in solitary confinement because he would never allow the torture to break his will, his love of America and his faith in God.

In recognition of his service, the military has given him two Silver Stars, two Legions of Merit, the Distinguished Flying Cross, one Bronze Star with Valor, two Purple Hearts, four Air Medals and three Outstanding Unit Awards.

Everyone in this House talks about patriotism and sacrifice. SAM JOHNSON embodies patriotism and sacrifice.

Today he continues to fight for freedom. He has been fighting for individual liberty since he came here to Congress in 1991. It has been my high honor to be able to join him in that struggle since I arrived here in 1995. He has done it effectively and without rancor.

SAM's selfless devotion to America and freedom is evident every day. He never mentions the awards or his bravery in action. He never mentions the exploits of or the horrors of his captivity. That is just not SAM's way. He is humble. He is kind. He bears no ill will. Every time I see his smile or shake his hand, I am reminded, here stands a man who sacrificed more for this country than I can ever imagine.

It is fitting that we honor him today.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me the time.

I rise today to give thanks also to my good friend, SAM JOHNSON, my friend and colleague, a man who has been a mentor for me politically for many years. But I want to admit that as we give great admiration to SAM JOHNSON, I want you to know that he has a family. He has a lovely wife, Shirley, who is with us today, who is here in the gallery, who has stood by her husband for years and years, a woman who has faith in God and faith in our country, to SAM's 3 children and 10 grandchildren.

We give thanks to SAM JOHNSON because he is a hero, a captive warrior who came home, who gave his very best for America, but who gives it every single day today.

SAM, we love you. We respect you. We appreciate you. Let the day never, never get too far away from us here. We can say not only thank you but thank you also to the men and women who did not come home who I know you live with in your heart every day. We are proud of you. And to you and Shirley we say, God bless you.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PAPPAS).

Mr. PAPPAS. Mr. Speaker, America needs heroes. We have one of them within our midst. Prior to my coming to Congress, I would tune in to C-SPAN every once in a while, and SAM JOHNSON is one of the Members that I would see and listen to and admire. Since I have had the good fortune to work with him, that admiration has only increased incredibly.

My father served in World War II. Fortunately, he never had to be a prisoner of war. For you, SAM, and for so many other Americans that had that indignity thrust upon them, words can never be used, we could never find the words to express how humbling that must be for all of us to see the sacrifices that people like you have made for each of us here. And for so many Americans that means so much.

SAM, you are to be commended for your willingness to continue to serve your country and it is my great honor to serve with you. God bless you and your family.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. EWING).

Mr. EWING. Mr. Speaker, I have a very special place in my heart for all Vietnam veterans. SAM JOHNSON only makes that a greater and bigger place in my heart. We came into this body a few days apart. He was just ahead of me, so he always gets the office I want and I am right behind him. But we are kind of a class of our own.

Just two little stories that make me know what SAM JOHNSON and Shirley Johnson are all about. When I talk to SAM, and he does not talk much about it, he says when they stand you up and blindfold you and they are going to shoot you and then they do not, he says, you never fear again.

And then when I talk with Shirley, and she is a great friend of Connie's and mine, she takes it so lightly. Well, he ran off while I was raising the children.

I think they are a great couple.

You certainly do love your country, your family and your God. It shows every day in that great big smile. God bless you, SAM.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me the time.

After I was drafted into the Army and served 2 years during the Korean conflict, I could not wait to get out and tell my friends and family how much I had suffered when I was in the Army, the great contributions and sacrifices that I made. The truth was that I never saw combat. I was in a tank once at Fort Knox, and I did go through basic training, was trained to be a tank commander; but I was lucky and never did really have to do anything that would put me in harm's way.

But then I met JOHN MCCAIN and SAM JOHNSON and others in similar circumstances, and all of a sudden, I made a plea to myself and promise to myself that I would never say that I suffered while I was in the Army. I was glad I served, and I am happy that I did my duty. But it paled in comparison to those sacrifices made by the likes of SAM JOHNSON and JOHN MCCAIN.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield myself 30 seconds.

It is interesting that we have used the word ''hero'' here in this Chamber today. I think in 1998 America we ought not to confuse heroes with celebrities, and there is a real difference. Celebrities are known for being known. But heroes are known for the values, the principles, their character, their integrity, and the love for this great country and the love for their wonderful God.

SAM JOHNSON is a real hero. His book has been mentioned today. SAM, I can say for all of our colleagues that you have been a wonderful book, your life has been a wonderful book for us to read on a daily basis here in the Chamber. We appreciate your heart and your patriotism.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. SAM JOHNSON).

The SPEAKER pro tempore. The gentleman from Texas (Mr. SAM JOHNSON) is recognized for 6½ minutes.

Mr. SAM JOHNSON of Texas. J.C., you are terrible. You are great. You are perfect. I thank you for bringing this to the floor. And IKE, you, and all the other Democrats I know, respect and admire our veterans and those who are in the service today. This Nation would not be the great Nation it is were it not for the veterans from the Revolutionary days right on up until today.

I hope we will remember those who are in the service in places of harm's way today and who might be put in harm's way and hope that we will not have to put them there. Those are the guys that down through the years have made this country great, have made it free. I can assure you, until you have had freedom taken away from you, you never can understand exactly what the beauty of it is.

This Nation represents that. America is and will be the greatest nation in the world. All you have to do is step across the border in any direction and you know you want to come back.

I salute the veterans of this Nation who have made it great. I think, with you, we should honor those who are in the service of our Nation today, respct and honor them. Let me just tell you, there was a quote left on the wall in Vietnam, in one of those prisons when we left, which I think says it all: Freedom has a taste to those who fight and almost die that the protected will never know.

God bless you all. It is pleasure to be in this body with each and every one of you.

Mr. BUYER. Mr. Speaker, I rise today with my colleagues to honor a decorated fighter pilot, a former POW, a distinguished Congressman and a good friend, SAM JOHNSON.

The Hallmark of SAM's life has been service—service to the Air Force, to this House, to the citizens of the Third Congressional District of Texas, and to the country. His record of sacrifice and dedication to duty is unmatched in this House. I know he would be uncomfortable with the term ''hero''—but in a time when American youth are looking for true heroes, they would do well to look to SAM JOHNSON for their inspiration.

I join with my colleagues today in honoring SAM JOHNSON. I want to add my personal thanks for selfless devotion to duty, his hard work, his sacrifice, and his friendship.

Mr. MANZULLO. Mr. Speaker, I rise today to pay tribute to a real American hero, Congressman SAM JOHNSON, and to all his fellow POWs who so bravely and valiantly served this country. As you well know, SAM was shot down over North Vietnam and imprisoned for almost seven years under horrifying conditions.

What strikes me most about SAM's story is his unshakeable faith in the Lord. On the evening of his 72nd day in leg stocks, SAM was ready to give up. For months he had not been able to move from his shackles. For months he had not seen the sun or sky through the boarded-up windows of his tiny cell. As he fell asleep that evening, SAM thought to himself: ''It would be okay if I never woke up again.'' That night, a powerful typhoon struck Hanoi. As SAM's cell filled with water, be began to pray as never before. He knew then more than ever that the Lord was his hope and his salvation. As SAM later recounted, ''When I woke up the next morning, I realized the storm has blown the covers off the window, and that morning I saw the sun rise for the first time in 72 days. That was God in all His glory coming up out there. And it's good to know He's there; it certainly helps to put your mind at rest. It helps you to get through those tough times.''

God bless you SAM JOHNSON. God bless our POWs. And God bless America.

CONGRESSMAN SAM JOHNSON

(Testimonial as told to Northwest Bible Church)

Listen, I want you to know that we've been doing a little bible study up there in Washington, DC, believe it or not. . . . My goodness, the Lord is directing you and, you know, it goes to show you the faith and the grace and the failures that make our lives worth living. Let me tell you a little bit about what happened to me in Vietnam. I was shot down in an F–4 and ejected to get out. Our air speed was about 650 knots, which is kind of slow I guess. I broke my left arm in two places and dislocated my left shoulder and broke my back. When I landed the bad guys were on me in about 30 seconds. We were right in the middle of a division of the enemy troops, and I was caught pretty quickly.

They threw me around and they took over a house and just kicked the people out. The guards and I were thrown in there. My backseater also got out, fortunately, and was put in another house where they threw people out. We stayed there for just one night and then went to a place called ''Dong Hui'' which was in North Vietnam. There they accused us of being air pirates and took me out and put me in front of a firing squad. Even though you've been trained in the Air Force Survival School and you know or think they are not really going to hurt you, when you're standing there with six guys facing you with rifles, and you see them pull a clip out of their pockets, jam it in the gun, and charge the weapon, you know you can't really tell whether there's a bullet going in or not. And they pull them up and the officer gives the signal to fire and they all go click, click. . . . You're facing them and you wonder about that. They tried again later, and the second time I laughed at them. They threw me in a pit. You know, in retrospect, that was the Lord being with me. I followed him by praying as hard as I could at that

time, but the real faith you know, the Lord really being with you, doesn't come home until you stop and think how he provided.

Later they put a cast on my arm. They dressed up some guards like doctors (which is how you become a doctor in Vietnam). They pulled it down to the extreme (that it broke it in two places) and then they folded it up and put a cast on it. That was their medical deal. They broke it again in route to Hanoi during the travel which took us about 25 days. And when we got to Hanoi nearly everybody was treated the same, it was a week of torture, while they were trying to get military information. And you know, they never found out that I ran the Fighter Weapons School of the Air Force.

My back seat pilot Larry Chesley and I made up a couple of stories. Like, ''I had just gotten there, I didn't know anything about the airplane, they just put me in it and told me to fly over, and they put bombs and napalm on it, but I didn't know what was on the airplane. And the back-seater got in the plane there, so I didn't know him. He was new to Vietnam and he didn't know a thing about radar.'' They told me when I got up over N. Vietnam push that button. We told them that story and they gave up after awhile.

I was put into an empty dirty room. When they came in to interrogate you they brought a table in so the interrogators can sit behind it and start asking questions. You were without food and water for about a week. But, it was one of those trials that you go through. They took this broken arm of mine and broke it again and twisted it right on around and tore it out the other side, trying to make me talk to them. And really, the Lord was protecting me as I look back on it. It was very painful. So we didn't change our story and apparently my backseater told the same thing. Later (five years later) the commander, who was the colonel, walked in and said ''You lied to us.'' I said no, what are you talking about. He said when you first got shot down you didn't tell us the truth. I said, ''No, you must be mistaken, Americans never lie.''

I later was put with a guy named Jim Stockdale who is now in California. We were in a place where they kept bringing men who had just been shot down. I tried to talk to them and tell them how they could guard themselves and how to react and respond to the Vietnamese so they wouldn't get into too much trouble. They knew we were doing it but they couldn't catch us. If they had caught us they would have really punished us. I don't understand that mentality, but they would punish us and it would be in communist ways.

One of the most serious incidents involved Stockdale and I. We were caught communicating with other prisoners and the guard busted in the door of our cell. Stockdale tried to fight him and he knocked him to the floor. Our punishment for this was the worst of my entire time in prison.

They put me in a little cell that was about two and a half foot wide by eight foot long that we called the Mint, we named everything after a Las Vegas hotel. So, there's one other guy in an adjoining cell with me, and at the same time they put me in leg stocks. I don't know if you know what that is but it's kind of like the pilgrims when they used to punish people they put them in the middle of the town square. They set me in those stocks and locked my legs down so I couldn't move for 72 days. I didn't get up for anything.

But, on the 72nd day an amazing thing happened. My cell was on the corner, so I had windows, but they were all boarded up. I hadn't seen the sun or anything for 72 days. That night a typhoon came through Hanoi. It was a terrible storm and my cell started to flood. The water was rising fast and since I couldn't move because of stocks I had no way to escape the water. I had nothing else to turn to but my faith. I began to pray. I prayed like I had never prayed before, because I knew that the Lord was my only salvation at this point. It ends up that the Lord was with me that night. When I woke up the next morning I realized the storm had blown the covers off the window and that morning I saw the sun rise for the first time in 72 days. That was God in all his glory coming up out there. And it's good to know He's there, it certainly helps to put your mind at rest. It helps you to get through those tough times.

That very day they came and took me out of the stocks. I could not walk, obviously. Two guards carried me over to an interrogation office and set me down on a three-legged stool, and this guy says ''We're going to kill you.'' They threatened to do that fairly often. But, they said they had this confession from Stockdale and obviously you're involved. I said, let me see it because I don't think he'd write one. And he, of course, wouldn't let me look at it. So I told him that he was lying, I knew Stockdale didn't write anything. He got mad and said just go back.

Well, that month they took 11 of us to a place we called Alcatraz. Jim Stockdale was one of them with us, and Jeremiah Denton from Alabama, ex-senator. He was in the same camps with me practically the whole time, he taught me the tap code. This was a code where we took the letters of the alphabet and put them into five rows of five letters each and eliminated the ''k'' and used the ''c'' for ''k'' for a while, but later tucked it back in where it belongs. And a ''b'' would be tap—tap, tap (1st row second letter) and we became pretty adept at doing that. In Alcatraz we were all in 11 different cells, side by side, and kind of in an ''L'' shape, and we could talk to each other pretty rapidly with that code. We then decided we weren't talking fast enough, so we developed a ''cough, hack, spit code.'' And I said, ''you know Jerry, we're going to get caught for this and the Vietnamese are going to really clamp down on us and we're going to be in trouble.'' But, he said, ''no, we're going to try it.''

It was around 1968, I guess, when they started letting us out for exercise, first time ever. And about 15 minutes a day. So Jerry got out of his cell and he was walking around and he was talking and having the prisoners communicate with him. We used a clearing of the throat for one, two clears for two, a cough for three, a hack for four, and a spit for five. We talked for three years with that code and the Vietnamese never caught on. Their population over there must think Americans have a respiratory problem. We always signed off in the evening with ''God bless you.''

Every Sunday, we would pray together, somebody would know it was Sunday, and the Vietnamese took about half a day off. Some guy would stomp on the floor and we'd all get on our knees and pray together. We could feel the power of prayer when we were together, everybody praying, even though we weren't side by side, separated by walls. We did that for as long as I can remember.

And then one day they had the Son Tay raid and I don't know if ya'll remember that or not, but it was an effort to try to rescue the guys out of the camp at Vietnam. They failed in that effort because they had moved about 30 days earlier. And it was unfortunate because they were going to move them back, but it scared them enough that they moved us all together for the first time. And when we moved together we decided to have a church service and I'll never forget because Jerry said ''Sam you sing for us and lead,'' and I said ''I can't sing,'' but I did.

Well, it happened to be New Year's Eve when we moved together so we sang Christmas carols and that was just a great time. But when you're in a communist world like that, the Vietnamese think that it's a demonstration so they came charging in and said ''Stop, you are not authorized to do that.'' We didn't care, we were going to have a church service every Sunday regardless. And we did, they took 3 senior officers out and put them in solitary and in irons, and we kept doing it and they came in one night and they took about 40 more of the seniors out and put them in solitary and in fact doubled them up in bunks and really made them uncomfortable. We got in the windows and started signing ''Battle Hymn of the Republic,'' ''God Bless America,'' all the good songs that you know, in our room. There were about 370 of us in that camp and every room got up in the window and started joining in with us.

The North Vietnamese came running in with their guards in full battle dress with gas masks on, and we thought they were going to try to throw tear gas in, but they didn't. We could peek through the walls where we had but holes and we noticed that the whole town of Hanoi had come out to see what the commotion was. Well that died out that night and the next day the camp commander came on the loud speaker and said ''the camp authorizes you to have church services.'' You know that only God could make that happen, and I'll tell you what, the Lord was with us. I think each and every one of us is stronger from that experience.

I never really thought about being involved in the Congress, which has brought me here to talk to you today. Jerry Denton and Jim Stockdale and all of us talked about how badly managed our government was and decided that when would we get involved when we got back to the U.S. and do something about it, instead of just complaining. So, I got involved in the State Legislature and when Steve Bartlett resigned to run for mayor of Dallas, I decided to try for the House. And I think the Lord led the way and prompted me to do that and hopefully, I can be there for you and represent you and our beliefs up there.

I do know that this is one nation under God, our founding fathers wrote this Constitution under the precepts of the Bible. The Supreme Court needs to use the Bible as a guide, as a Law book. We have been drifting, as a country, far from these founding principles. And I'm hoping that we can get more people up in D.C. to turn that around. Thank you so much for letting me share my story with you today, and I hope you will share with me. My office is always open. God bless you and God bless America.

Mr. SKELTON. Mr. Speaker, with great respect and tribute to our friend, the gentleman from Texas (Mr. SAM JOHNSON), we sincerely hope that this resolution passes unanimously. I thank the gentleman from Oklahoma for his efforts in this regard, as well as the other cosponsors.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATHAM). Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members that it is not in order in debate to refer to any occupant in the gallery.

AUTHORIZING THE SPEAKER TO APPOINT MEMBERS TO REPRESENT THE HOUSE OF REPRESENTATIVES AT CEREMONIES FOR OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint two Members of the House, one upon the recommendation of the minority leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on Monday, February 23, 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 25, 1998

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 25, 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUTHORIZING THE SPEAKER, MAJORITY LEADER AND THE MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS AUTHORIZED BY LAW OR THE HOUSE, NOTWITHSTANDING ADJOURNMENT

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, February 24, 1998, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE 189TH ANNIVERSARY OF THE BIRTH OF ABRAHAM LINCOLN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I am delighted to rise in honor of our country's greatest president whose birthday we celebrate today.

We Republicans honor Lincoln as a founder of our great political party and the first Republican president. We are right to this. But this is not the source of Lincoln's greatness.

Lincoln used the Republican party and the presidency as vehicles to achieve three magnificent things. He preserved this great union of ours. He ended slavery on this continent. He extended to the American entrepreneurial spirit to millions of people of all walks of life. We have a word for that on a subcommittee I chair. We call it ''empowerment.''

Without a strong union, the United States would not have become the economic power it is today. Because of Lincoln's work, this nation produced the highest standard of living of any in the history of the world. And because the United States remained one nation, it was able to assemble the moral military might that liberated millions this century from three of the worst tyrannies in all of history: nazi Germany, imperial Japan, and the Stalinist ''evil empire.''

Throughout the world, the name ''Lincoln'' connotes compassion—and for good reason. Slavery sickened him. ''If slavery is not wrong, nothing is wrong'' he said. He worked to restrict its expansion before the civil war; used that military emergency to end it; and forced through the thirteenth amendment to the constitution to prevent its re-instatement.

As Commander in Chief, he made merciful use of his pardoning powers. He was particularly sympathetic to young offenders. ''Must I shoot a simple-minded soldier boy, who deserts, while I must not touch a hair of a wily agitator who induces him to desert?'' he said, ''* * * to silence the agitator and save the boy is not only constitutional, but withal a great mercy.''

There was one group of lawbreaker, however, to whom he showed no mercy, slave traders. In one celebrated instance, he refused to commute to life in prison the sentence of person who had committed that hideous crime. Before Lincoln's presidency, that law had gone enforced. After it, there was no need to have it at all.

It was also during Lincoln's administration that homestead legislation became federal policy and land grants to states for the establishment of colleges became law. These measures, along with the example of Lincoln's life story, came to characterize the American entrepreneurial spirit.

As the ''empowerment subcommittee'' continues to explore ways to assist individuals and communities achieve their full potential, we will carry Lincoln's spirit with us. Lincoln was the personification of ''empowerment'' in America. Here is how he described it:

''The prudent penniless beginner in the world labors for wages for a while, saves a surplus with which to buy tools or land for himself, then labors on his own account for another while, and at length hires another new beginner to help him.''

I urge all Americans to pause on this day and all through the year to reflect upon the words and deeds of this extraordinary human being. They do this by visiting the Lincoln Memorial and Ford's Theater, here in Washington, and the Lincoln Museum in Fort Wayne, Indiana. The March issue of Civil War Times contains an article about that museum's fascinating exhibits. It is my pleasure to submit it for publication in the CONGRESSIONAL RECORD.

[From the Civil War Times, March 1998]

A NEW LINCOLN MEMORIAL

(By Al Sandner)

In Fort Wayne, Indiana, one man's admiration gave birth to the largest private collection of Lincoln-related materials in the world. The two-year-old museum that houses the collection combines modern technology with 19th-century artifacts to create a hands-on, in-depth examination of ''Lincoln and the American Experiment.''

For generations the people of Fort Wayne, Indiana, have cherished the legend that Abraham Lincoln stopped here on the fateful trip that catapulted him into the race for the presidency. They've cherished it and hoped it was true, but couldn't be sure.

Legend had it that Lincoln changed trains here on his way to deliver a speech at the Cooper Institute in New York, where his son, Robert, was a student. The speech made a deep impression on the audience and caught the attention of Northeastern power brokers, vaulting him into the elite company of men regarded as potential presidential candidates. On his journey eastward, he was a regionally known lawyer, soldier, surveyor, and politician. On the return trip his name was being whispered in the halls of power as a contender for the highest office in the land. The Fort Wayne train switch—if it really happened—was related closely enough to a pivotal moment in American history to make any city proud.

Recent research has laid the legend to rest and replaced it with historical fact. ''We have determined that on February 23, 1860, Abraham Lincoln did change trains in Fort Wayne while on his way to the Cooper Institute speech,'' said Gerald Prokopowicz, Lincoln scholar and director of programs for the Lincoln Museum in Fort Wayne.

In the years since 1860, working on faith and dedication alone, one local businessman and Lincoln admirer created in this mid-sized northeastern Indiana town (closer to Knute Rockne country than to what is usually thought of as the land of Lincoln) what was to become the largest private collection of Lincoln materials in the world, housed in a $6 million, 30,000-square-foot museum that is both a tribute to Lincoln and an interactive multimedia essay on his impact on America as we know it.

Fort Wayne, a 203-year-old city also known as the final resting place of Johnny Appleseed, doesn't really need an excuse for housing the Lincoln Museum. The institution stands on its own merits, combining relics and reconstructions, videos and period documents, the deadly serious (for example, a slave's manacle) and the whimsical (the tail end of a 1970s Lincoln Versailles with its trademark wheel on the trunk lid and a collection of bands from ''Lincoln'' brand cigars).

The museum's 11 exhibit galleries ingeniously incorporate hundreds of Lincoln-era artifacts and art works—including the inkwell Lincoln used in signing the Emancipation Proclamation, Lincoln family photos and handwritten documents, the president's legal wallet, and his pocket knife. Its research library, with 18,000 volumes and 5,000 photographs, draws Lincoln scholars from across the country.

Traveling exhibits have included one of the few surviving signed copies of the Emancipation Proclamation (the Leland-Boker Edition, which was sold during the Civil War to benefit war relief work) and one of 13 copies of the resolution for the 13th Amendment, which banned slavery. More recently, an exhibit called ''White House Style'' displayed 9

original and 24 replica formal gowns worn by first ladies from Martha Washington and Mary Todd Lincoln to Nancy Reagan and Hillary Rodham Clinton.

You enter under a painting of the U.S. Capitol dome whose construction held such symbolic importance in Lincoln's mind that he insisted the work continue unabated throughout the Civil War. Lincoln's words—prophetic at the time, cautionary and virtually mythic today—are written, painted, and engraved on walls and other surfaces.

Lincoln's words also ring in your ears as you absorb the man and the times he shaped. Throughout, the voices of narrator Ossie Davis and Sam Waterston as Lincoln guide the visitor through Lincoln's life, and the fit seems totally comfortable, perfectly natural. Davis is an actor, writer, producer, and director. Waterston played Lincoln in a television miniseries and gave Lincoln a voice in Ken Burns's landmark Public Broadcasting Service special on the Civil War.

Davis narrates the video that introduces the visitor to the permanent exhibit ''Abraham Lincoln and the American Experiment.'' The five-minute film sets the stage, tracing the times and events that shaped the man who soon shaped the times and events around him. America in Lincoln's day was the world's only large-scale experiment in democracy, and many doubted it could long survive. As the film ends, Lincoln addresses the press corps just after his election to the presidency: ''Your troubles are over. Mine are just beginning.''

So begins your journey to explore the tensions over slavery that threatened the experiment in democracy, the war that was ignited by the tensions, Lincoln's role in guiding the democratic nation through its greatest trial, and the way people have since remembered Lincoln.

Leaving the theater, you step into ''Lincoln's America,'' divided like Caesar's Gaul into three parts: ''The Dynamic North,'' where a single state, New York, runs more factories than the entire South; ''The Expanding West''; and ''The Prosperous South.'' Now, as then, the South seems to dominate, to attract more attention than its size and economic power should warrant.

The focal point of the room is a full-scale, rough-hewn Mississippi River flatboat. You walk under the vast tiller, manned by a life-size, six-foot-four-inch Lincoln mannequin standing on the deckhouse's flat roof. A pass under the boat's keel places you in the South; cotton bales and barrels stand around the dock. Touch the rough wood, finger the cold steel of a slave manacle. Read a list of slaves for sale. Read Lincoln's words: ''If slavery isn't wrong, nothing is wrong.''

Just as the debate over slavery led the nation to war, so are you led into the next galleries. ''Prairie Politician to President'' and ''Speaking Out.'' In this general area is a reproduction of the sort of room where Lincoln grew up, read, and worked out his sums. His copy of Parson Weems's *Life of Franklin* is on display here. Somewhere in this area, you learn (if you didn't already know) that Lincoln was fascinated by technology and held the only patent ever granted to a president of the United States—for a system he invented to refloat boats. Artifacts here include an invitation to the dance where he met his future wife, Mary Todd.

The ''Speaking Out'' gallery reproduces the Chicago meeting hall where the Republicans nominated Lincoln for president. A life-size statue of Lincoln stands at a podium on the bunting-draped stage, while a dramatic re-creation of the Lincoln-Douglas debates play on a large video screen behind him and his words fill the air.

It is here, too, that you can sit at an ingeniously arranged desk between like masks of Lincoln and Douglas, and—thanks to cleverly arranged mirrors—see yourself sitting at eye-level with these two great orators. You may suffer by comparison, but it is a fascinating experience.

Nearby is another interesting comparison—the earliest known photographic portraits of Lincoln, take in April and May of 1846, followed by photographs of him during the war years. He grew haggard under the strain of his wartime presidency, but not as drained and devastated as you might expect.

Next, the visitor is thrown into the cauldron of war. The events and battles of the most critical years of U.S. history are described in a time line that circles the walls of the ''Civil War'' gallery. A bank of six touch-screen computer monitors allows the visitor to read Lincoln's mail, redecorate the White House as Mary Todd Lincoln did, take a trivia quiz, or refight major Civil War battles. In the game ''You Be the General,'' Union and Confederate positions are mapped out on the computer monitor, and you are allowed to make the moves: sort of a computer-generated chess game based on actual events. One player reported reversing history and winning the First Battle of Bull Run for the North. Another refought Gettysburg, but was never quite sure what he was doing—or whether he won or lost. (Fortunately for the Union, this would-be general was born a century too late.)

''The Fiery Trial'' is the name given to the next mini-theater presentation. In a small, comfortable auditorium, three seven-minute multimedia programs explore different facets of Lincoln and the Civil War. In ''Lincoln's Soldiers,'' the letters of Corporal George Squire of Fort Wayne are used to describe life in the Union army. ''Lincoln: Commander-in-Chief'' explains the problems the president had in finding a general to bring victory to the North. And ''Lincoln and Emancipation'' tells about his role in ending slavery. Again, the voices of Davis and Waterston create an aura of warmth and familiarity—in deadly contrast to the stereo booms and strobe flashes of cannon fire. Outside the door of the theater are a cavalry officer's sword, which you can draw partly our of its scabbard; an infantryman's heavy, black leather backpack, which you can heft onto your shoulders; and—as a symbol of this first modern war—a half-scale model of an early Gatling gun, precursor of the machine gun. The Gatling gun was introduced during the war but was rarely used.

Like Billy Pilgrim, visitor from another time and another war in Kurt Vonnegut's anti-World War II novel Slaughterhouse Five, it's easy to get ''unstuck in time'' here. In the free-flowing layout, you could wander into, say, ''Ford's Theater and Beyond'' and then into ''A Lincoln Family Album.'' The former displays a replica of the theater box the president occupied that ill-fated Good Friday night while describing the conspiracy that led to his death and transformed him from controversial politician to American legend. The latter displays Lincoln's own photographs of his children while an upright piano plays recordings of Mary Lincoln's favorite songs, including ''Skip-to-Mi-Lu.'' Children's attractions in this area include games, clothes for dress-up, and an interactive Lincoln family portrait.

Stepping back just a bit in time, you can revisit the fringes of the Civil War gallery, sit at a desk much like Lincoln's, and face some of the same problems he did during his regular public sessions (which he called his ''Public Opinion Bath''). You sit in a chair looking into a faithful reproduction of Lincoln's office, are presented with pleas the president heard during these sessions, decide how to handle the request, and then push a button to learn what Lincoln did. Letters of discharge from the army, original notes, and other documents are used to illustrate how he handled callers and their pleas. After making all these decisions, you may have the leisure to sit back and notice how meticulously Lincoln's office has been re-created—right down to the wallpaper and the width of the carpet stripes.

Now things lighten up. Blinking lights outline a movie theater marquee that announces today's attraction: ''Lincoln at the Movies.'' On screen, television movie critic Gene Siskel teams up with Pulitzer Prize-winning author and historian David Herbert Donald to critique movies that depict the life of Lincoln—using the format Siskel and fellow Chicago critic Roger Ebert use on their television series, At the Movies. They discuss actors and interpretations over the years—from Henry Fonda's Young Mister Lincoln to Waterston's interpretation in the television miniseries Gore Vidal's Lincoln. Walter Houston, Raymond Massey, and Mary Tyler Moore (as Mary Todd Lincoln in Gore Vidal's Lincoln) are also discussed from historic, theatrical, cinematic, and purely personal points of view.

The fun continues. In ''Remembering Lincoln'' a trail of red lights crosses an oversize map of the United States from coast to coast. This, the ''Lincoln Highway,'' was America's first transcontinental thoroughfare. It serves as the backdrop for a collection of things named for Lincoln over the past 160 years—from an automobile to cities and towns, schools, manufacturing companies, fruit growers, and a surprising number of cigars. Sticking out of the wall below the map, as though the brakes had failed while someone was backing up, juts the tail end of a Lincoln Versallies.

Across the aisle is ''Dear Mr. Lincoln,'' a station where children are given pencil and paper and encouraged to add to the exhibit by writing a letter or postcard to the 16th president. The good ones can become part of the exhibit. ''I regret to inform you they are still assassinating people,'' one young person reportedly wrote early on. Even parents join in. ''My son was a reluctant reader until he read a story about you in the 2nd grade,'' wrote one mother. ''Thank you. I live in a better place because of you.''

Wall-sized photographs of history as it was made at the Lincoln Memorial in Washington, D.C., illustrate the theme of the next-to-last gallery, ''The Experiment Continues.'' It seems to show Lincoln's moral beliefs still have an impact on American society today. Here is Marion Anderson, barred by the Daughters of the American Revolution from other Washington venues, performing outdoors for hundreds of thousands of enthralled Americans in 1939. Here is Martin Luther King, Jr., telling America ''I have a dream'' in 1963. And there are Vietnam veterans opposed to the war struggling unsuccessfully to seize the memorial in 1971.

Now the museum visitor is truly drawn into the American Experiment—by voting on four key questions: (1) Is the American Experiment a success? (2) Is it still alive today? (3) Does it work for most Americans? (4) Are you confident of its future success?

The tally? In the two years since the museum opened, some 27,000 visitors have said ''yes'' to each question. However, the ''no'' votes have varted notcieably Questions 1, 2, and 4 have received about 19,000 ''no'' votes. Meanwhile, number 3 has drawn about 16,000 ''no'' votes—indicating a large number of absentions.

The museum tour ends on a colorful note as the visitor passes through ''A Lincoln Gallery,'' which displays art inspired by Lincoln. The art works are taken from the museum's own extensive collection.

In the lobby, opposite the 23-foot-long ''A. Lincoln'' signature and his 12-foot-high portrait is a well-stocked gift shop with books,

video tapes, CD–ROMs, games, statues, and replicas of White House china. Under the signature, on the lower level, is the library, with more than 200,000 newspaper and magazine clippings regarding Lincoln; more than 5,000 original photographs (including those from Lincoln's own family album); 200 documents signed by Lincoln; 7,000 19th-century prints, engravings, newspapers, and music sheets; 18,000 books; scores of period artifacts and Lincoln family belongings, and hundreds of paintings and sculptures. Here, too, is the traveling exhibit area—most recently the site of the ''White House Style'' show.

So how did this $6 million, 30,000-square-foot tribute to Lincoln and interactive multimedia essay on his impact on American life come to be created in a mid-sized northeastern Indian city? In 1905, Arthur Hall was forming an insurance company in Fort Wayne. A great admirer of Lincoln, he wrote to Robert Todd Lincoln, the son whose attendance at the Cooper Institute had provided Abraham Lincoln with a platform for his watershed 1860 speech, for permission to use his father's name. Along with his approval, Todd sent a photograph of his father—the same one that is the basis for the engraving on the $5 bill today.

The company grew into what is today one of the nation's largest financial services organizations. The Lincoln National Corporation opened its first museum on Lincoln's birthday in 1928. The new museum, now owned by the nonprofit Lincoln National Foundation, opened October 1, 1995, in Lincoln National headquarters—less than a mile from the site of the railroad station where Lincoln, we now know, changed trains on February 23, 1860.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SANCHEZ) is recognized for 5 minutes.

(Ms. SANCHEZ addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

□ 1515

CELEBRATING LITHUANIA'S INDEPENDENCE DAY

The SPEAKER pro tempore (Mr. PITTS). Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the people of Lithuania who will be celebrating their Independence day next Monday. With the passage of each year, Lithuania grows into a more stable, prosperous and Democratic country. To ensure this growth continues in Lithuania and the rest of the Baltic States, the United States must remain committed to supporting the region.

Lithuania is rich in history and has proven its resilience. This country has continually been occupied by rogue regimes which exploited its resources and people. However, the desire for democracy continued to grow within the Lithuanian people. After four decades of suppression, Lithuania finally achieved freedom in 1990 and reestablished the independent Lithuanian state.

I do not think that many Americans paid attention to the recent presidential elections in Lithuania. I wish they would have. They should be proud of the fact that an American citizen was elected the new President. Valdas Adamkus, from my home State of Illinois, is a shining example of the Democratic reforms which have come to this former Soviet state. His election testifies to the desire of the Lithuanian people to do away with ex-Communists and to embrace western ideas.

President Adamkus and his family fled the country as the Communists took over during World War II. After spending part of his teens in a Nazi camp, President Adamkus emigrated to the United States. Here he forged a truly distinguished career as a regional administrator for the Environmental Protection Agency. With the many years spent in America, president Adamkus will be able to bring fresh non-Soviet ideas to government.

Now is the time for the United States to recognize the struggle the Lithuanians have endured for democracy and freedom. On January 16 President Clinton took the first step in realizing the importance of this region of the world. On that day he signed the U.S.-Baltic Charter. While the charter does not contain any security guarantees, it does prove to the Baltics the continuing commitment of the United States to their country. Additionally, the charter commits the Baltic States to democracy, rule of law, free markets and human rights.

However, what the charter should not do is close the door on the expansion of NATO to include the Baltic region. Recently, we have begun to hear that NATO does not need to be expanded. Some fear the expansion will dilute the military alliance which is the essence of NATO. They would rather have the European Union do much of the work for the emerging democracies while leaving NATO to deal with Russia. This is very shortsighted.

What we need to do is focus on the region, providing guidance and support while these countries are developing. The United States should not pull back and leave these countries stranded in a strategic uncertainty. Enlargement, with the need to meet the rigorous military and political standards will continue to promote calm in the region. We need to leave the door open for expansion so that Lithuania, Latvia and Estonia have a goal to strive towards as they continue to develop.

Mr. Speaker, again I would like to congratulate the Lithuanian people on another year of independence. After all their hard work and struggle, they are beginning to reap the rewards. The United States should wholeheartedly embrace Lithuania and the entire Baltic region through the expansion of NATO so these emerging democracies can continue to prosper.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. VISCLOSKY) is recognized for 5 minutes.

(Mr. VISCLOSKY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COX) is recognized for 5 minutes.

(Mr. COX addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

COMMEMORATING 100 YEARS OF PHILIPPINE INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to commemorate the centennial of Philippine independence, and to recognize some true heroes of World War II, the Filipino World War II veterans.

Filipino soldiers were drafted into the Armed Forces by President Franklin D. Roosevelt and promised full benefits as American veterans. But those benefits were rescinded by the 79th Congress in 1946. The gentleman from New York (Mr. BEN GILMAN) and I have now introduced a Filipino Veterans Equity Act, H.R. 836, which would restore the benefits promised when these soldiers were drafted into service by the President of the United States and fought side by side with soldiers from the American mainland against a common enemy.

Over 175 of our colleagues have cosponsored H.R. 836, in support of these brave veterans. A most appropriate way to commemorate the centennial year of Philippine independence is to pass H.R. 836 and restore honor and equity to the Filipino veterans of World War II.

As Congressman of the congressional district which includes more Filipino American residents than any other except for Hawaii, I am very honored to have been chosen as their Representative in Congress. I look forward to participating in the 1998 celebrations commemorating Independence Day and the spirit, resourcefulness, warmth and compassion of the people of the Philippines and of Filipino Americans.

June 12, 1898 is the day the Philippines gained its independence from Spain and June 12 is celebrated in the Philippines as Independence Day by order of President Diosdado Macapagal.

This year, in the Philippines and in the numerous Filipino-American communities in the United States, lengthy celebrations are being prepared that will occur throughout the entire year. In my hometown of San Diego, a civic parade showcasing Filipino culture is among the many events planned to commemorate this milestone.

Historians tell us that the Philippines was ''discovered'' in 1521 by Portuguese sailor Ferdinand Magellan. In spite of a bloody battle between Filipino freedom fighters and the invaders,

in which Magellan was killed, Spain, for whom Magellan worked, colonized the Philippines and held power for nearly 400 years.

In 1896, Filipinos mustered the courage to bond together to overthrow the Spanish colonialists. Filipino revolutionaries, led by General Emilio Aguinaldo, took to the streets of his hometown of Kawit, Cavite, about 15 miles southwest of Manila and proclaimed an end to Spanish rule. The open resistance of the imperial power of Spain led to the Declaration of Independence 2 years later on June 12, 1898, and with it the birth of Asia's first independent nation.

But in real terms, just as Spain slipped out, came the colonizing power of the United States. Spain ceded the Philippines to the U.S., blatantly ignoring the Filipinos' own proclamation of freedom. So, practically, the century of independence is somewhat of an illusion, for the Philippines was a territory and then a Commonwealth of the United States until July 4, 1946. However, Independence Day is celebrated for good reason on June 12 because the victory in 1898 symbolizes to the Filipino people the triumph of political will and physical endurance by Filipinos against foreign control. Today, Filipinos are free and they have proven their quest for freedom in countless battles, most recently as part of the American army in World War II.

Mr. Speaker, it is time we award these brave heroes with the recognition they deserve. Let us pass the Filipino Veterans Equity Act this centennial year.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. ADAM SMITH) is recognized for 5 minutes.

(Mr. ADAM SMITH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RECOGNIZING THE 150TH ANNIVERSARY OF MARLBORO TOWNSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAPPAS) is recognized for 5 minutes.

Mr. PAPPAS. Mr. Speaker, it is my privilege to congratulate the citizens of Marlboro Township as they commemorate the 105th anniversary of the incorporation of their community. This is a time of celebration and remembrance, a time to celebrate the growth and achievements of Marlboro Township, while remembering the efforts and sacrifices of the good men and women, past and present, who helped make Marlboro Township what it is today.

Beginning as a small group of small rural settlements in the 1600s, Marlboro has grown to be a center of activity and a place to call home for a community of over 30,000 people. Throughout this time of growth, Marlboro has retained and contributed its own piece to our Nation's history, from being a Dutch and Scottish farming settlement to a battle site for revolutionary war skirmishes; from supporting New Jersey as a rural community to transforming it into a suburban center. In the wake of World War II, Marlboro has made its mark. Now, 150 years later, the township will celebrate its anniversary with rich new traditions, including a time capsule burial and ceremony to offer history to future generations, annual recreation events, concerts and festivities, as well as having speakers on Marlboro's history and other events.

It is fitting that, while remembering the past, they are looking to the future by having children participate in the celebration. A time capsule, as I mentioned earlier, will create a picture for later generations of what the township was like in 1998.

In the years to come, I sincerely hope that Marlboro Township will continue to build on the foundations of the past to ensure a happy and prosperous future for all its residents. I offer my congratulations and best wishes to Mayor Matthew Scanepiecco and the Township Council. It is my honor to have this municipality within the boundaries of my district and it is my good fortune to be able to participate in its very special anniversary.

THE MEDICARE VENIPUNCTURE FAIRNESS ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, before I begin, I yield to my friend and colleague, the gentleman from Texas (Mr. BENTSEN).

SUPPORTING THE INCLUSION OF THE DR. MARTIN LUTHER KING, JR. BIRTHDAY IN THE U.S. FLAG CODE

Mr. BENTSEN. Mr. Speaker, I rise today to introduce legislation correcting an oversight that occurred in the 98th Congress during the establishment of the Federal holiday celebrating the birthday of our Nation's greatest civil rights leader, Dr. Martin Luther King, Jr.

It is customary during the establishment of official Federal holidays to signify the importance of the date through recognition in the U.S. Flag Code. The U.S. Flag Code encourages all Americans to remember the significance of each Federal holiday through the display of our Nation's banner. The Flag Code reminds people that on certain days every year, displaying the flag will show respect for the people and events that have shaped our great Nation.

I believe the American people should be afforded the opportunity to pay their respects to the memory of Dr. King and all his achievements through the display of our flag on the day we honor him. Of the ten permanent Federal holidays, only the King birthday lacks this honor, and I believe that as we celebrate Black History Month, it is appropriate to correct this emission.

I would like to offer my appreciation to Mr. Charles Spain, a resident of Houston, which the gentlewoman and I come from. Mr. Spain brought this very important matter to my attention and I am grateful for his diligence and assistance in helping my office to introduce this legislation to correct this error.

Mr. Speaker, I urge my colleagues to support this measure. Let us continue to honor the legacy of Dr. King and continue to move forward with his dream.

Mr. Speaker, I thank the gentlewoman for yielding me this time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I applaud the gentleman for his leadership on this issue, and I would join the gentleman in cosponsoring this legislation, which I think is an important correction for an honorable gentleman, Dr. Martin Luther King.

I would like to as well, Mr. Speaker, to raise several issues that really are in keeping with Black History Month, in recognition of many of our tried-and-true men and women who served in the Vietnam war. I am certainly a product of that era and I could not find a better time to take a moment to salute those who lost their lives and sacrificed in order that we might be free.

Many people had many things to say about the Vietnam war, but I have nothing to say other than for those who fought and those who lost limbs and were injured and those who lost lives and to their families and loved ones, I salute you, I applaud you, I honor you.

In my district I work extensively with homeless veterans, many of whom are from the Vietnam era. They are no less diminished because of the tragedy of their life, because of some misstep that might have brought them to this point, but they are certainly a part of the honor of those who have served, and my hat is off to them.

I salute those veterans of the 18th Congressional District who served in Vietnam. I certainly am grateful for the ending of that war, and I salute all of the veterans and all of the men and women all over this country who served in this Vietnam war.

It is for this reason, Mr. Speaker, that I applaud the President today highlighting for America the Patient's Bill of Rights. And I will be supporting that legislation, along with the Venipuncture Fairness Act of 1997. In fact, many of my constituents, many veterans, are in home care, and the home care agencies are now being precluded from going to the homes of homebound individuals and taking vital signs that are necessary for prescription drugs and other various medications and physical needs. This H.R.

2912 will correct an injustice by Medicare to prevent coverage for the venipuncture service that is needed.

□ 1530

So, Mr. Speaker, let me again thank the veterans of the Vietnam War and thank the families who gave through their loved ones the ultimate sacrifice. Let us never forget.

And then as we proceed into this legislative agenda year, let us not forget those who need the patient bill of rights who now live with us today in America. Let us assure them of good health care and the rights of physicians and patients to make the decisions about life and death, not about good health care.

And, as well, I ask my colleagues to support H.R. 2912 to correct the injustice of eliminating the venipuncture visitation by home care agencies. Let us support the Venipuncture Fairness Act of 1997.

Mr. Speaker, I submit the following for the RECORD:

Mr. Speaker, I rise this afternoon to urge this Congress to remedy a wrong we perpetrated upon America's home-bound seniors and disabled people when we passed one of the Medicare provisions in the Balanced Budget Act of 1997. As of February 5, 1998—last Thursday—home venipuncture services for individuals who do not receive any other skilled home health services are no longer covered by Medicare. H.R. 2912, the Medicare Venipuncture Fairness Act of 1997, would reinstate Medicare coverage for this vital medical service.

Venipuncture is simply the drawing of blood. Thousands of home-bound individuals rely on this service to ensure that their doctors are able to monitor their medication levels, particularly with the most complicated drugs such as heart medications, blood thinners, and insulin. Section 4615 of the Balanced Budget Act removed venipuncture from the list of prescribed services that qualify a Medicare beneficiary for other home health services. Therefore, unless a patient has been prescribed another skilled service, he or she will no longer be reimbursed for the cost of having blood drawn at home.

There are several problems with this new approach. The reason most of these patients require their blood to be drawn at home is that they are unable to travel to their doctors' offices, either because they are located in a rural area, or because their health is such that leaving home is not feasible or safe. For those patients that are able to leave home, public transportation is often unavailable, and ambulance services to and from the doctor's office may cost up to $250 a trip. For those patients who cannot leave home, their only option may be placement in a nursing home. We are all acutely and unfortunately aware of the exorbitant cost of those facilities.

In addition, this policy change may in fact be unnecessarily increasing the amount spent on skilled home health services. Essentially, we are forcing doctors to prescribe additional, costly services in order to ensure that their patients' medication levels are appropriately adjusted and safe.

I voted for the Balanced Budget Act of 1997. I believe it is important to combat waste and fraud in the Medicare system. However, I have been presented with absolutely no evidence to support the contention that home venipuncture services were a source of either waste or fraud. There are no estimates as to either how much venipuncture services were costing the system before the Balanced Budget Act, or how much this dangerous change will save the Medicare system. In fact, the removal of coverage for home venipuncture may in fact end up increasing overall health costs by forcing seniors and disabled citizens into nursing homes when they otherwise could have stayed at home.

I have, therefore, not heard anything to convince me that there was abuse of home venipuncture services, such that the change made by section 4615 was warranted. I have, however, heard much to convince me that this change is endangering the health and well-being of senior citizens and disabled people throughout this country. I have heard from people in my district who do not know how they are going to provide their elderly relatives' doctors with blood samples now that this policy change has been instituted. I have heard from one family that, faced with the discontinuation of Medicare reimbursement for venipuncture, sought to have someone continue to come to their home to draw their elderly mother's blood. However, they were unable to find any agency or organization that could provide this vital service, even it they scraped together the funds to pay for the service privately.

What am I to tell these families, who are making personal sacrifices by caring for their loved ones at home? How can I tell them that we appreciate their devotion but that somebody had a suspicion, not apparently supported by any statistics, that this was a good service to discontinue so we did? I will not tell them that, without also telling them that we are trying to remedy this terrible error.

I urge this Congress to support those Americans who need our help the most, our home-bound senior and disabled citizens, by supporting H.R. 2912, the Medicare Venipuncture Fairness Act of 1997. We must, as representatives of the American people, be willing to admit when we have made a mistake and remedy it as soon as we possibly can.

SECOND ANNIVERSARY OF TELECOMMUNICATIONS ACT

The SPEAKER pro tempore (Mr. PITTS). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, it has been 2 years since we passed the Telecommunications Act of 1996. When we passed that act, we were all very encouraged that our communities would enjoy local telephone service that had not been available in the past at a competitive rate. Those of us from rural communities were particularly hopeful about the prospect of such service.

Unfortunately, I have yet to see one of those companies that lobbied us in any of the counties I represent in rural North Carolina. Instead, they have set up shops in Charlotte and in the Research Triangle serving big business and large corporations. That is not what Congress intended. So it may be time to encourage regulators to help bring down the barriers to competition and all markets, including rural communities. At the same time, I want to invite companies interested in offering local services at affordable rates to come on down to eastern North Carolina and offer my constituents a choice. We are waiting for them.

Mr. Speaker, another issue I just want to raise is the issue indeed of the Afro-American farmer. We are now talking about Afro-American History Month, and this is the time not only to cite progress and to cite renewed hope for the future, but also to cite some of the opportunities we have to make corrections.

The black farmers known in North Carolina and known throughout the South have been suffering for many reasons. But one of the reasons they have been suffering is not to have access to capital, not to have opportunities to the resources of USDA in an nondiscriminatory manner. This issue has been highlighted recently because a number of farmers had really had foreclosures on their homes and a number of them have been in a struggle with their government to make sure they treat them fairly for the last 20 or 25 years. And yet, our government has not found an opportunity not only to address the agreed and admitted discrimination but not to make them whole, not to make sure that they get their land back, which was taken indiscriminately and they should make sure that the remedy they fashion and offer to black farmers are not empty gestures where there is no opportunity to make them whole where they can farm again and have a quality of life, which indeed all Americans want.

So I want to urge my colleagues, as they reflect with me on Black History Month, they also reflect on the small black farmer, which has been an intimate part of our struggle and our development in feeding our country. They simply want to farm. They simply want to have the opportunity as any other farmer to have the resources, have the technical assistance, to have the programs offered to other farmers offered to them.

There may come a time when this Congress has to step in and make those corrections to make sure our country lives up to the code and make sure that all farmers, all Americans, have the same equal right access to capital, access to American programs, and to make sure that our country honors, honors, their commitment, when they make a commitment they will not discriminate, and if they are found to be discriminatory, there will be a remedy that will be a remedy fashioned according to the damage done to them.

Mr. Speaker, I urge my colleagues to consider that as they reflect.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIARHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SALUTE TO LITHUANIAN AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Fawell) is recognized for 5 minutes.

Mr. FAWELL. Mr. Speaker, I simply want to take this occasion, along with my colleague from Illinois (Mr. SHIMKUS), to extend my best wishes to Lithuanian Americans all across this land. And most especially, I would extend those warm regards to the Lithuanian Americans who are in the 13th Congressional District back in Illinois, a district that I have had the honor of representing here in Congress for 13, going on 14 years. I would also especially like to mention the fact that a constituent of mine by the name of Valdas Adamkus, Val Adamkus as we have known him, from Hinsdale, Illinois, and, believe it or not, has been elected the President of Lithuania.

Val Adamkus is quite a tremendous person. He came from Lithuania. He is still a Lithuanian citizen, obviously holding dual citizenship between this country and also in Lithuania. He was a part of the fighting force that resisted the Soviet invasion.

Actually, before the Nazis came in World War II, the Soviet Union had taken over and taken away the liberty of the Lithuanian people which they had gained in 1920. But after the Soviet Union came in after World War II, Val Adamkus came to this country, got a degree at the Illinois Institute of Technology in Chicago, went on to quite an able career. And just recently, after retiring from a distinguished career with the Federal EPA, at the age of 71, he decided that he might want to go into politics and traveled back to his homeland in Lithuania, gradually became involved in politics, and now will be sworn in as President of Lithuania on February 26.

But over the years of my tenure in Congress, I have often attended Lithuanian Independence Days at the World Lithuanian Center in Lemont, Illinois. I have learned to have a deep and abiding respect for the Lithuanian Americans and their deep, deep desire, especially when I first was in Congress, for freedom and democracy to come back to Lithuania. I felt then that it was perhaps decades away.

And every year I was invited to the Lithuanian World Center, where I came to have so many dear friends in the Lithuanian community. As a result I grew to recognize what their culture was, danced a few of their polkas, got to know these people and their deep desire to finally once again see the birth of freedom in Lithuania. And lo and behold, perestroika finally came and ultimately, in February of 1991, I recall there was a declaration of independence by the Lithuanian people. And at that particular February gathering, in regard to Lithuanian Independence Day, we had an awful lot of people in my district who shed in tears of joy because freedom had finally come to their native land. There have been ups and downs since then. And truly a remarkable thing has occurred, when an American who has dual citizenship, as I have indicated, has been elected the President of Lithuania.

So my very, very best regards to Val Adamkus and his wife Alma and to the Lithuanian people in my district. They have a great heritage. And we look forward to a rebirth of freedom and all the knowledge of the American democratic ways which Val Adamkus has, being brought to the Presidency of Lithuania.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

(Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 3 o'clock and 40 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1705

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PITTS) at 5 o'clock and 5 minutes p.m.

SUPPORTING THE PRESIDENT ON IRAQI POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 5 minutes.

Mr. GINGRICH. Mr. Speaker, I rise and I note the presence of my colleague, the distinguished minority leader, who also will speak this afternoon, because both of us I think want to make the point that the leadership of this Congress is very committed to supporting the President of the United States and in supporting, frankly, all of the people around the planet who are concerned about Saddam Hussein and the danger of bacteriological and chemical weapons of terror.

The fact is that the United States has no argument with the people of Iraq. The United States has no wish to harm the people of Iraq; the United States wishes that we could reach an agreement which would allow the sanctions to be limited, the people to have prosperity, and Iraq to live in peace with its neighbors.

But the current dictator, Saddam Hussein, has a track record unlike any other leader in the world. He has used chemical weapons against his neighbors. He has used chemical weapons against his own people. He shot his own son-in-law when he returned from defecting. He is clearly a brutal and dangerous dictator who, despite having lost a war against the coalition, despite having subjected his own people to 7 years of economic sanctions, despite the United Nations inspectors in this country, despite the world media watching him, despite pressure diplomatically from virtually every country in the world, has persisted in trying to build and retain chemical and bacteriological weapons of mass destruction. These are particularly frightening because they are potentially usable by terrorists and have for their size and weight a remarkable capacity to kill human beings.

A future terrorist act in which bacteriological or chemical weapons could be used as in the World Trade Center, in a subway, or any other site where there are a lot of people could produce a horrifying casualty rate. The United States has made it clear that we will not accept biological and chemical weapons of mass destruction in the hands of someone with a proven record of using them.

We are working with the United Nations. We are working with our allies. It is our hope that our allies will help us bring Saddam Hussein to recognize that he should not proceed, that he should allow unlimited United Nations inspections so the world can rest assured that he is not building biological and chemical weapons.

If he refuses, at some point, the President has made clear the United States will use whatever level of force is necessary in order to eliminate the sites that we believe currently are being used to build biological and chemical weapons. If after that there is still a problem, I think the United States will have to continue to explore the options of making sure that Saddam Hussein, under no circumstance, is able to build and distribute biological and chemical weapons.

But no one in Iraq should be confused. Just as we were in 1991, the United States is committed. The United States will, in fact, follow through on its commitments. I urge Saddam Hussein to save the people of Iraq from violence. I urge him to take a step towards ultimately some day lifting the sanctions. I urge him to comply with United Nations resolutions. And I want him to know that, on behalf of the overwhelming majority of Republicans who are deeply committed to a safer world for our children and

grandchildren, that we are resolutely determined not to allow Iraq, under this leader, to have biological and chemical weapons, and we support the President in taking steps to defend the United States and that our prayers and our support in the strongest way will be with our young men and women in the Middle East if they should have to undertake missions in order to save the world from chemical and biological weapons.

CALLING FOR THE RESOLUTION SUPPORTING THE PRESIDENT ON IRAQI POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. GEPHARDT) is recognized for 5 minutes.

Mr. GEPHARDT. I thank the Speaker. I thank the Speaker for his statement. And I certainly agree that the President's policy should be supported by the Congress of the United States and the people of the United States to bring an end to this activity by Saddam Hussein.

Seven years ago, Congress authorized the President to use military force to repel the aggression of Saddam Hussein against Kuwait. Seven years ago, U.S. forces, with the full support of the American people, freed the people of Kuwait from Iraqi domination. Seven years ago, the international community began an inspection and monitoring regime to assure that Saddam Hussein could no longer pose a threat to the Gulf region and the world community.

Despite these efforts, Saddam Hussein has defied the clear requirements set forth by the United Nations. His repeated refusal to allow full inspection and compliance by the United Nations inspectors have prevented the readmittance of Iraq into the community of peaceful nations. Both the Iraqi people and the entire Gulf region remain imperiled by Saddam Hussein's deadly policies.

Over the past several months, the Iraqi government has increased its defiance of the world community. At the same time, it continues to pursue unabated development of weapons of mass destruction and concealment of those efforts. After months of discussions with the Iraqi government by both international organizations and individual governments, diplomatic efforts to resolve this matter appear to have had little, if any, impact on the regime's behavior. It is therefore reasonable to consider the use of military force to ensure that Iraq can no longer threaten its neighbors or United States interests in the region.

If we cannot assure this through diplomatic means, we must be prepared to ensure this by the other means at our disposal, including the use of military force. As this administration contemplates the use of military force, I believe that it is necessary for the American people, through their Representatives in Congress, to speak on this serious matter. The President should have the support of the Congress and the public when sending our servicemen and women into harm's way.

I am very concerned that we have not acted on a resolution of support already. Two weeks ago, on the eve of the President's State of the Union address, Speaker GINGRICH and Majority Leader LOTT both pledged their support of the President's policy, as the Speaker so eloquently said again today. Two weeks later, we are still not having action in the Congress on a resolution.

I urged the Speaker yesterday to bring before the House prior to the President's Day recess a resolution supporting all necessary and appropriate actions to respond to the threat posed by Iraq's weapons of mass destruction program.

It is now clear that because of time we will not have such a resolution before the recess. I, therefore, respectfully call on the Republican leadership to bring up bipartisan legislation for consideration by the House as soon as possible after the recess. It is our responsibility and duty to ensure that Members have an opportunity to express support for our men and women in uniform prior to military action in the Persian Gulf.

One hundred and eighty years ago, Thomas Jefferson said, and I quote, that ''in a free government, there should be differences of opinion as to public measures and the conduct of those who direct them is to be expected. It is much, however,'' he said, ''to be lamented that these differences should be indulged at a crisis which calls for the undivided councils and energies of our country and in a form calculated to encourage our enemies.''

I urge this House to take up this resolution as soon as we come back. I believe it is the right thing to do for our country, for our people and, most importantly, for the young men and women which we may have in harm's way in the days ahead.

URGING CAUTION ON ACTION TAKEN IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, obviously, I am not in the leadership; I do not speak for the leadership. But I do hope that I speak for a lot of people in America and other Members of Congress who may feel differently. I equally condemn the horrors going on in the country of Iraq. I have no desire at all to defend Hussein. I rise, though, to just urge some caution on what we do.

□ 1715

I have a problem with the procedure, which we are pursuing, that we are condoning, encouraging and literally paying for a program which permits the President to go and bomb another nation. There was a time in our history when bombing another country, when that country had not attacked us, was an act of war. But today we do this rather casually.

Morally, the only justifiable war is a war of defense, a war when our national security is threatened. A legal war in this country is one that is declared by the Congress acting for the people.

We have not declared a war. If we had a declared war even once since World War II, possibly we would have fought for victory. Instead, we get involved too carelessly and we do not fight to victory, and maybe that is why we are standing here today debating the consequence of the Persian Gulf war because we really did not achieve victory and the war continues.

It is argued that the legislation passed in 1990 gives legitimacy for the President to pursue this adventure, but this really contradicts everything intended by the founders of this country that we could literally pass legislation which was not a declaration of war and to allow it to exist in perpetuity. And here it is 7 or 8 years later, and we are going to use legislation passed by Congress. Very few of us were even in that Congress at that time that are in the current Congress, but they want to use that.

Also a contradiction to our established form of government is the fact that that legislation was passed more or less to rubber-stamp a U.N. resolution. So I think those are terms that are not justifiable under our system of law, and I call my colleagues' attention to this because this is very serious.

I do not care more about military than those who would bomb; they have just as much concern as I have. But I am concerned about the rule of law, and obviously, I am concerned about consequences that are unforeseen, and there could be many.

I am worried that we do not have allied support, and everybody recognizes that now. There are very few neighbors of Saddam Hussein who are very anxious for us to do this. So that should cause some reservation.

Also the military strategy here is questionable. It is actually what are we going to try to achieve? Are we going to try to literally destroy all the weapons, or are we going to try to destroy him? Are we just going to bomb people where maybe innocent people will be killed? The long-term military strategy has not been spelled out, and I have a concern for that.

Also we are not doing real well on the P.R. front because just today on the Reuters wire line there was a report that came out of a television program in Britain, which is rather frightening. Although I have criticized our policy of the 1980s, because during the 1980s we were obviously allies of Saddam Hussein, but the reports on British

television now say that both the American Government, both the U.S. Government and the British Government participated and they have the documents, U.S. documents, that document, that say that we did participate in sales of biological weapons to Saddam Hussein, which points out an inconsistency. And I guess all governments have the right to change their minds, but I still think that should caution us in what we do.

Nothing is going to happen to the world. Saddam Hussein has not threatened his neighbors since the Persian Gulf war, and surely before we get back in 10 days this is unnecessary.

The other side of the aisle suggests that we have a full debate and a resolution in 10 days after we come back. That certainly makes a lot of sense to me. I think at this point to condone and endorse and encourage the President to do something at this late hour when there is essentially no one here in the Chamber, I do not think this is a good way to casually step into something that could be rather dangerous. The resolutions that have been talked about ironically are quite similar to the resolution passed in the 1960s that got us further involved in Vietnam.

So, in all sincerity, I come here asking all Members to be cautious and for the President not to move too hastily.

ACHIEVING OUR GOAL IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, we are being warned of possible military action against the Government of Iraq, and I remember well the last time, or should I say the first time, because there have probably been some other military actions against Iraq in the meantime, but back in 1990 when Saddam Hussein invaded Kuwait, and so began our special relationship with the people of Kuwait, let us note that after hundreds of thousands of Americans have spent time in the Persian Gulf and after our Nation has put its entire prestige on the line that we cannot permit Saddam Hussein now to reverse what we won back in 1990 and 1991.

If we do that, if we permit Saddam Hussein to, for example, conduct a successful lightening strike against Kuwait, against the people of Kuwait, or if we permit Saddam Hussein to blatantly stockpile weapons of mass destruction, the United States will lose any ability to influence events anywhere in the world. No petty tyrant or no people seeking freedom or no opponent or adversary or friend will trust our word again, because even Saddam Hussein has made a laughing stock of the United States of America.

So, first and foremost, let us recognize there is a special relationship with the people of Kuwait that for the rest of our lives we will have, because if that war is reversed, America will lose its ability to determine events around the world, and Americans, when we lose this power as the leading power of the world, we will pay a dear price.

But I hope, if military action does take place, that we do not make the mistake that we made last time. Hundreds of thousands of people, or upwards to 200,000 Kuwaitis were killed during the last war. Saddam Hussein managed to escape. And I remember during the planning phases of the last war I said to Dick Cheney and Colin Powell personally that they would have my support because American troops were in harm's way, and I would support them in that effort to protect the lives of Americans and to make sure it was a successful mission. But as I told them at that time, when this is over, make sure Saddam Hussein is dead.

And I hope that if have to take further military actions against the people of Iraq that we do not waste our weaponry on ordinary citizens, on people who probably like the United States of America; and I hope that our goal is not simply containing Saddam Hussein or punishing him. Our goal should be the overthrow and elimination, one way or the other, of Saddam Hussein.

First and foremost, if we are willing to commit our military to that part of the world, we should at least be able to declare this man a war criminal. After all, he was an environmental criminal, an eco-criminal, for what he did to the environment, the destruction of the oil wells and the seas and the other pollution that he caused back then, not to mention the hundreds of thousands of lives that he caused to die, the people he caused to die because of his aggression. And if he commits other acts of aggression and does not go along with the agreement, we should make sure that we declare him a war criminal and that the goal of our action is not punishing the Iraqi people, but working with the Iraqi people in order to help them establish a government that is responsive to their will.

Who knows if it would be an absolute democracy or not, but if the people of Iraq who live under the oppression of Saddam Hussein had the ability to direct their own government, there would be no problem because they would not risk the lives of hundreds of thousands of their family in order to make a point of the way a dictator, the way a brutal egotistical dictator like Saddam Hussein does.

As I say, we are tied to the people of Kuwait because the people of Kuwait now, having saved them once, if we permit them again to be taken over by this tyrant, not only will be lose those people, but we will lose our ability to maintain peace throughout the world, a dreadful price that we cannot afford to pay.

So I wish the President of the United States guidance from God and support from the United States Congress, as much as this Congressman can do to make sure that we are doing the right thing, only this time I would hope the President of the United States, unlike George Bush, does the job right and completes the job before bringing our troops home. And I would hope that hundreds of thousands of troops do not need to be sent there, but instead, this could be handled in a better way than that perhaps.

The SPEAKER pro tempore (Mr. PITTS). The time of the gentleman from California (Mr. ROHRABACHER) has expired.

Mr. ROHRABACHER. Mr. Speaker, I would ask unanimous consent for 2 more minutes.

The SPEAKER pro tempore. The Chair cannot entertain an extension of time during a 5-minute special order period.

Mr. ROHRABACHER. Appealing the ruling of the Chair, Mr. Speaker, the Chair on many occasions has extended unanimous consent for an extension of 2 minutes.

The SPEAKER pro tempore. It is a question of recognition. A 5-minute special order may not be extended.

Mr. ROHRABACHER. Yes, that is correct. But last night I was given a 5-minute unanimous-consent request.

POWERS WHICH BELONG TO CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. I would just like to say, Mr. Speaker, I listened with great care to the remarks of my colleague from Texas. [Mr. PAUL] I think he raises legitimate questions, and I recall back to my first years in the Congress in 1993–1994 when we had numerous meetings with the then-Chairman of the Joint Chiefs of Staff, General Colin Powell.

He was always a very honest, gutsy Chairman. He put to us the tough questions such as: When do we know we have won? What do we have to do if we engage our forces? When do we know we will get out of the mire? There were a number of us on this floor who fought the use of troops in Bosnia.

We have been very lucky in Bosnia, but when we were told that it would be only one year, we all knew that was utter nonsense; we could be there for 15 years for that matter.

What the gentleman from Texas stressed is that perhaps it is time for this House to follow the Constitution of the United States and not act because a United Nations resolution is standing and we will defer to that.

We should never defer to anybody when it comes to a war where American lives might be spent. What we should do is follow the constitutional procedures. The President should consult extensively with this Chamber, and I realize that Presidents sometimes do not have the time to do it, but we should have the series of meetings

we had when the Croatians, the Serbians and the Bosnians were fighting what some called a civil war, and we did not at that time get ourselves involved in that matter.

Some might say that we were wrong and we were too late and we should have acted earlier. What we should have done, I think most of us would agree, is to permit the arming of the Bosnians so they could defend themselves from the Croatians and primarily the Serbians.

Now we do not have that situation where there is a democratic opposition to Saddam that is knowable. He is a brutal murderer, he would kill all opponents, he kills his generals on a regular basis. And we know what he did to the Shiites, and that was partly our fault when we did not reverse a stupid order which permitted him to use helicopters, and we know he killed the Kurds in northern Iraq.

So we do have people in Iraq that have suffered under his brutal regime.

But more of us should be involved in this decision than just a few. And that is the way the Constitution is written, and we ought to follow the Constitution.

I yield to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. We, of course, worked together in opposing the American military commitment in Bosnia. But you do believe that America cannot just stand aside and let Saddam Hussein develop stockpiles of weapons, and we need to act in some way because it might then precipitate some type of military action that he might take on Kuwait.

Mr. HORN. Let me just say, for my own answer, I think that our problem here is that we have given too many Presidents powers that belong to Congress.

□ 1730

I was on the floor as a young Senate assistant when the Tonkin Gulf Resolution came in. Only two United States Senators had the guts to stand up and oppose it, Mr. Gruening of Alaska, and I believe Mr. Morse of Oregon, and now we know that they were right. The Tonkin Gulf Resolution was a lot of baloney. This situation is not baloney.

The gentleman from California (Mr. ROHRABACHER) correctly notes that it is a very serious situation, and we need to deal with these things, either on a collective security basis with the United Nations forces, but we should not be the sole police force that has to remedy all problems in the world. That is what bothers me. If we are going to do it, let the members of the executive branch come up here, discuss this serious matter with a lot of us, and see where we are on the subject.

Now, President Bush did that in terms of the Gulf War. There was a debate, probably one of the better debates conducted in the House in the last twenty years, and then a vote was cast.

Mr. PAUL. Mr. Speaker, will the gentleman yield?

Mr. HORN. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding. I would like to make two points. The other gentleman from California makes a good point about the character of Saddam Hussein, but my colleagues have to remember and have to realize that he was a close ally that we encouraged for 8 years during the 1980s, so we helped build him up, which contradicts this whole policy. I would like to see a more consistent policy.

Then the gentleman brings up the subject: Yes, he may be in the business of developing weapons, but he has gotten help from China and Russia, and possibly from Britain and the United States, and 20 other nations are doing the same thing. So if we are interested in stopping these weapons, we better attack 20 countries. So we have a job on our hands.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. HORN. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, first of all, I do not know where the gentleman got his information that Saddam Hussein was an ally; a close ally, the gentleman says, of the United States. I am sorry that I was in the White House at the time. Saddam Hussein was never a close ally. He was not an enemy, but to label him a close ally is not only misreading history, it is naivete beyond anything.

We supplied some support for the Iraqis and sometimes we gave support for the Iranians during that war because during that time there was a strategy of keeping that war going in order to prevent those two powers from themselves individually dominating the region. Having them attack each other was a good strategy at that time, but far from being an Iraqi ally.

Saddam Hussein is obviously someone that right now, after we have already gone through this, our futures are linked. If Saddam Hussein ends up negating the results of the last war, who will then listen to us anywhere in the world? I pose that question to both of my colleagues. If he is able to have a lightning strike against Kuwait or stockpile these nuclear weapons, who will believe the United States again after we have made this commitment?

Mr. PAUL. Mr. Speaker, will the gentleman yield?

Mr. HORN. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Speaker, the question is not so much, let us say, that we could concede some of the gentleman's argument, but why do you have such hostility to the Constitution and to the process as what we are talking about? Why do we not have a declaration of war and win it? Why should we go with a U.N. resolution and legislation that is 8 years old? That is one of our greatest concerns.

Mr. ROHRABACHER. Mr. Speaker, if the gentleman will yield, I am certainly not here to oppose any particular plan of legislation; I am here specifically to make sure that people understand that this is a serious issue and that it cannot be negated simply by a misreading of history that Saddam was our friend back in the 1980s or some other type of wishful thinking about the nature of the strategic politics in the world that we have to play.

Mr. HORN. Mr. Speaker, reclaiming my time, I would just say to the gentleman from California (Mr. ROHRABACHER), I am certainly not saying that Saddam was our friend, but I think our administration was naive in its support of Iraq against Iran, and that is what concerns me. The balance of power system, while academics can write about it, and the British did that for 500 years, is frankly not the way in modern times that we should conduct ourselves.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JOHNSON of Wisconsin (at the request Mr. GEPHARDT) for today, Thursday, February 12, 1998, on account of illness in the family.

Mr. RIGGS (at the request of Mr. ARMEY) for today, Thursday, February 12, 1998, on account of viewing flooded disaster areas in California.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SKELTON) to revise and extend their remarks and include extraneous material:)

Ms. SANCHEZ for 5 minutes today.

Mr. VISCLOSKY for 5 minutes today.

Mr. FILNER for 5 minutes today.

Mr. BENTSEN for 5 minutes today.

Ms. JACKSON-LEE of Texas for 5 minutes today.

Mrs. CLAYTON for 5 minutes today.

Ms. MILLENDER-MCDONALD for 60 minutes today.

(The following Members (at the request of Mr. SHIMKUS) to revise and extend their remarks and include extraneous material:)

Mr. TIAHRT for 5 minutes today.

Mr. FAWELL for 5 minutes today.

Mr. METCALF for 5 minutes today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PAPPAS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GINGRICH for 5 minutes today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GEPHARDT for 5 minutes today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PAUL for 5 minutes today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. ROHRABACHER for 5 minutes today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. HORN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FAWELL) and to include extraneous matter:)

Mr. CLYBURN.

Mr. SHIMKUS.

(The following Members (at the request of Mr. SKELTON) and to include extraneous matter:)

Mrs. LOWEY.

Mr. LEVIN.

Mr. KIND.

Mr. GONZALEZ.

Mr. HAMILTON.

Mr. MCGOVERN.

Mr. LAMPSON.

Mr. MILLER of California.

Mr. ROTHMAN.

Mr. BAESLER.

Mr. LANTOS.

Mr. YATES.

(The following Members (at the request of Mr. SHIMKUS) and to include extraneous matter:)

Mr. PORTMAN.

Mr. FAWELL.

Mr. THOMAS.

Mr. TAYLOR of North Carolina.

Ms. ROS-LEHTINEN.

Mrs. MYRICK.

Mr. WELDON of Pennsylvania.

Mr. CHAMBLISS.

Mr. KLUG.

Mr. MCKEON.

Mr. SHAW.

Mr. HASTERT.

Mr. ROGERS.

Mr. SAXTON.

(The following Members (at the request of Mr. PAUL) and to include extraneous matter:)

Mr. SOLOMON.

Mr. BOB SCHAFFER of Colorado.

Mr. MANZULLO.

Mr. MCHALE.

Mr. GOODLING.

Mr. LEWIS of California.

Mr. STOKES.

Mr. MCINTOSH.

Mr. COSTELLO.

Mr. TORRES.

ADJOURNMENT TO TUESDAY, FEBRUARY 24, 1998

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. PITTS). Pursuant to the provisions of House Concurrent Resolution 201, 105th Congress, the House stands adjourned until 12:30 p.m. on Tuesday, February 24, 1998.

Thereupon (at 5 o'clock and 35 minutes p.m.), pursuant to House Concurrent Resolution 201, the House adjourned until Tuesday, February 24, 1998, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7237. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dimethomorph; Pesticide Tolerances for Emergency Exemptions [OPP–300609; FRL–5767–8] (RIN: 2070–AB78) received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7238. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Air Bag On-Off Switches [Docket No. NHTSA–97–3111] (RIN: 2127–AG61) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7239. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Parts and Accessories Necessary for Safe Operation; Glazing in Specified Openings [FHWA Docket No. MC–97–5; FHWA–97–2364] (RIN: 2125–AD40) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7240. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Reasonably Available Control Technology for Volatile Organic Compounds at Siskorsky Aircraft Corporation in Stratford [CT7–1–5298a; A–1–FRL–5949–6] received February 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7241. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dried Fermentation Solids and Solubles of Myrothecium Verrucaria; Exemption from the Requirement of a Tolerance on All Food Crops and Ornamentals [PP 4F4398/R2209A; FRL–5570–1] (RIN: 2070–AB78) received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7242. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins; Correction of Effective Date Under Congressional Review Act [FRL–5963–8] received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7243. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Clean Air Act Reclassification; Arizona-Phoenix Nonattainment Area; Ozone; Correction of Effective Date [FRL–5963–9] received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7244. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Approval and Promulgation of State Implementation Plans for Louisiana: Motor Vehicle Inspection and Maintenance Program; Correction of Effective Date [FRL–5964–1] received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7245. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Reclassification; Arizona-Phoenix Nonattainment Area; Ozone [AZ–001–BU; FRL–5917–4] received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7246. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emissions Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins [AD-FRL–5508–6] (RIN: 2060–AE37) received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7247. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans for Louisiana: Motor Vehicle Inspection and Maintenance Program [LA–33–1–7357; FRL–5924–6] received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7248. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Dried Fermentation Solids and Solubles of Myrothecium Verrucarria; Exemption from the Requirement of a Tolerance on All Food Crops and Ornamentals; Correction of Effective Date [FRL–5965–3] received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7249. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution from Motor Vehicles and New Motor Vehicle Engines; Modification of Federal On-Board Diagnostic Regulations for Light-Duty Vehicles and Light-Duty Trucks; Extension of Deficiency Policy [FRL–5966–6] received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7250. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution; Removal and Modification of Obsolete, Superfluous or Burdensome Rules [FRL–5966–4] received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7251. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Pakistan (Transmittal No. 01–98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

7252. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Italy for defense articles and services (Transmittal No. 98–22), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7253. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Denmark (Transmittal No. DTC–6–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7254. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Germany (Transmittal No. DTC–19–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7255. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report of activities under the Freedom of Information Act for 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7256. A letter from the Executive Secretary, National Labor Relations Board, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

7257. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-STEVENS Act Provisions; Technical Amendments [Docket No. 980202026–8026–01; I.D. 011598C] received February 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7258. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 [Docket No. 971208295–7295–01; I.D. 020598D] received February 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7259. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Procedures for Filing a Derivative Petition (Form I–730) for a Spouse and Unmarried Children of a Refugee/Asylee [INS No. 1639–93] (RIN: 1115–AD59) received February 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7260. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Procedures for Participating in and Receiving Data From the National Driver Register Problem Driver Pointer System [Docket No. NHTSA–97–3280] (RIN: 2127–AG21) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7261. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Procedures for Participating in and Receiving Data From the National Driver Register Problem Driver Point System [Docket No. NHTSA–97–3155] (RIN: 2127–AG21) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7262. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 97–NM–271–AD; Amdt. 39–10230; AD 97–25–06] (RIN: 2120–AA64) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7263. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29107; Amdt. No. 406/1–7] (RIN: 2120–AA65) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7264. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300–600 and A310 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–333–AD; Amdt. 39–10272; AD 98–01–09] (RIN: 2120–AA64) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7265. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Compliance with Parts 119, 121, and 135 by Alaskan Hunt and Fish Guides Who Transport Persons by Air for Compensation or Hire (Federal Aviation Administration) (RIN: 2120–ZZ06) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7266. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Robinson R–22/R–44 Special Training and Experience Requirements (Federal Aviation Administration) [Docket No. 28095; SFAR No. 73–1] (RIN: 2120–AG47) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7267. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Order of Applying Federal Tax Deposits [Notice 98–14] received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MCGOVERN (for himself, Mr. COOK, Mr. WEYGAND, Mr. NEAL of Massachusetts, Ms. STABENOW, Mr. FRANK of Massachusetts, Mr. DELAHUNT, Mr. MEEHAN, Mr. HILLIARD, Ms. RIVERS, Mr. OLVER, Mr. TRAFICANT, Mr. MOAKLEY, Mr. FROST, Mr. KENNEDY of Massachusetts, Mr. PALLONE, Mr. TIERNEY, Mr. MARKEY, Mrs. MCCARTHY of New York, and Mr. ACKERMAN):

H.R. 3205. A bill to amend title XVIII of the Social Security Act to delay for one year implementation of the per beneficiary limits under the interim payment system to home health agencies; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY (for himself, Mr. CANADY of Florida, and Ms. HARMAN):

H.R. 3206. A bill to amend the Fair Housing Act; to the Committee on the Judiciary.

By Mr. RANGEL (for himself, Mrs. KENNELLY of Connecticut, Mr. STARK, Mr. MATSUI, Mr. COYNE, Mr. LEVIN, Mr. CARDIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. JEFFERSON, Mr. TANNER, Mr. BECERRA, and Mrs. THURMAN):

H.R. 3207. A bill to amend the Social Security Act to establish the Save Social Security First Reserve Fund into which the Secretary of the Treasury shall deposit budget surpluses pending Social Security reform; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 3208. A bill to prohibit the use of funds appropriated to the Department of Defense from being used for the conduct of offensive operations by United States Armed Forces against the Republic of Iraq for the purpose of obtaining compliance by Iraq with United Nations Security Council resolutions relating to inspection and destruction of weapons of mass destruction in Iraq by the United Nations, unless such operations are specifically authorized by law; to the Committee on National Security.

By Mr. COBLE (for himself and Mr. GOODLATTE):

H.R. 3209. A bill to amend title 17, United States Code, to limit liability for copyright infringement for on-line material; to the Committee on the Judiciary.

By Mr. COBLE:

H.R. 3210. A bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUMP (for himself, Mr. EVANS, Mr. EVERETT, Mr. CLYBURN, Mr. QUINN, Mr. FILNER, Mr. BILIRAKIS, Mr. GUTIERREZ, Mr. COOKSEY, Ms. BROWN of Florida, Mr. HUTCHINSON, Mr. DOYLE, Mr. HAYWORTH, Mr. MASCARA, Mr. LAHOOD, Mr. PETERSON of Minnesota, Ms. CARSON, Mr. REYES, Mr. RODRIGUEZ, Mr. SOLOMON, Mr. BAKER, and Mrs. CHENOWETH):

H.R. 3211. A bill to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STUMP (for himself and Mr. EVANS) (both by request):

H.R. 3212. A bill to amend title 38, United States Code, to revise the provisions of law relating to retirement of judges of the United States Court of Veterans Appeals, to provide for a staggered judicial retirement option, to rename the Court as the United States Court of Appeals for Veterans Claims, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. QUINN (for himself, Mr. FILNER, Mr. STUMP, Mr. EVANS, Mr. BUYER, Mr. KENNEDY of Massachusetts, Mr. BACHUS, Mr. MASCARA, Mr. COOKSEY, Mr. RODRIGUEZ, Mr. OLVER, Mr. PASCRELL, Ms. WATERS, and Mr. MANTON):

H.R. 3213. A bill to amend title 38, United States Code, to clarify enforcement of veterans' employment rights with respect to a State as an employer or a private employer, to extend veterans' employment and reemployment rights to members of the uniformed services employed abroad by United States companies, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCKEON:

H.R. 3214. A bill to amend the Internal Revenue Code of 1986 to provide that property may be seized for the collection of taxes only with the approval of a private, volunteer panel of attorneys, certified public accountants, and enrolled agents; to the Committee on Ways and Means.

By Mr. HULSHOF (for himself, Mr. KUCINICH, Mr. MCCRERY, Mr. WELLER, Mr. ENGLISH of Pennsylvania, Mr. WELDON of Florida, Mr. TORRES, Mr.

CHRISTENSEN, Mr. HAYWORTH, and Mr. HERGER):

H.R. 3215. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion from gross income for dividends and interest received by individuals; to the Committee on Ways and Means.

By Mr. BENTSEN:

H.R. 3216. A bill to amend the Act commonly called the ''Flag Code'' to add the Martin Luther King, Jr. holiday to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

By Mr. BUNNING of Kentucky (for himself, Mr. DELAY, Ms. DUNN of Washington, Mr. HOUGHTON, Mr. MCCRERY, Mr. CAMP, Mr. COLLINS, Mr. ENGLISH of Pennsylvania, Mr. WATKINS, Mr. WELLER, Mr. CRAPO, Mr. MCHUGH, Mr. NETHERCUTT, Mr. PAPPAS, and Mr. PAUL):

H.R. 3217. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose; to the Committee on Ways and Means.

By Mr. BURTON of Indiana (for himself, Mr. SOUDER, Mr. SNOWBARGER, Mr. BARR of Georgia, Mr. HORN, Mr. SESSIONS, Mr. SHADEGG, Mr. PAPPAS, Mr. DAVIS of Virginia, and Mr. MICA):

H.R. 3218. A bill to repeal a provision of the Indian Self-Determination Act which exempts certain former officers and employees of the United States from restrictions related to aiding and advising Indian tribes; to the Committee on Resources.

By Mr. BURTON of Indiana (for himself and Mr. COX of California):

H.R. 3219. A bill to repeal a provision of the Indian Self-Determination Act which exempts certain former officers and employees of the United States from restrictions related to aiding and advising Indian tribes; to the Committee on Resources.

By Mr. CONDIT:

H.R. 3220. A bill to authorize the use of certain land in Merced County, California, for an elementary school; to the Committee on Resources.

By Mr. CUMMINGS:

H.R. 3221. A bill to amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage; to the Committee on Government Reform and Oversight.

By Mr. DICKS:

H.R. 3222. A bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt financing of private sector highway infrastructure construction; to the Committee on Ways and Means.

By Mr. DOGGETT:

H.R. 3223. A bill to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the ''J.J. 'Jake' Pickle Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. GALLEGLY (for himself, Mr. COBLE, Mr. BERMAN, and Mr. SMITH of Texas):

H.R. 3224. A bill to amend title 18, United States Code, to provide protection from personal intrusion for commercial purposes; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 3225. A bill to amend the Internal Revenue Code of 1986 to increase the limits on the amount of nondeductible contributions to individual retirement plans; to the Committee on Ways and Means.

By Mr. GOODLATTE:

H.R. 3226. A bill to authorize the Secretary of Agriculture to convey certain lands and improvements in the State of Virginia, and for other purposes; to the Committee on Agriculture.

By Ms. HOOLEY of Oregon (for herself and Mr. COOKSEY):

H.R. 3227. A bill to amend the Internal Revenue Code of 1986 to adjust for inflation the amount of family-owned businesses excluded from the gross estate of a decedent; to the Committee on Ways and Means.

By Mr. JOHN (for himself, Ms. STABENOW, Mr. SESSIONS, Mr. STENHOLM, Mr. BERRY, Mr. BOYD, Mr. HOLDEN, Mr. GOODE, Mrs. TAUSCHER, Mr. PETERSON of Minnesota, Mr. SISISKY, Mr. CONDIT, Mr. BAESLER, Mr. MINGE, Mr. HALL of Texas, Mr. BISHOP, and Mr. CRAMER):

H.R. 3228. A bill to amend the Line Item Veto Act of 1996 to add the requirement that if Federal budget is in surplus then the vetoed item shall be used to reduce the public debt; to the Committee on the Budget.

By Mr. MANZULLO (for himself, Mr. HYDE, Mr. ISTOOK, Mr. CANNON, Mr. HOEKSTRA, Mrs. EMERSON, and Mr. BACHUS):

H.R. 3229. A bill to provide for the applicability, to providers of services under title X of the Public Health Service Act, of State reporting requirements for minors who are victims of abuse, rape, molestation, or incest; to the Committee on Commerce.

By Mr. MANZULLO (for himself, Mr. HYDE, Mr. ISTOOK, Mr. CANNON, Mr. HOEKSTRA, Mrs. EMERSON, and Mr. BACHUS):

H.R. 3230. A bill to provide for parental notification of family planning services, and reporting under State law for minors who are victims of abuse, rape, molestation, or incest, under title X of the Public Health Service Act; to the Committee on Commerce.

By Mrs. MEEK of Florida (for herself, Mr. DIAZ-BALART, and Ms. ROS-LEHTINEN):

H.R. 3231. A bill to adjust the immigration status of certain Honduran nationals who are in the United States; to the Committee on the Judiciary.

By Mr. MILLER of California (for himself, Mr. MARKEY, Mr. PALLONE, Mr. STARK, Mr. FILNER, Mr. HINCHEY, Mr. FALEOMAVAEGA, Ms. FURSE, Mr. GUTIERREZ, and Mr. DELAHUNT):

H.R. 3232. A bill to amend the Federal Water Pollution Control Act to control water pollution from concentrated animal feeding operations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PAPPAS (for himself, Mr. SAXTON, Mr. MENENDEZ, Mr. ANDREWS, Mr. SMITH of New Jersey, Mrs. ROUKEMA, Mr. PALLONE, Mr. FRANKS of New Jersey, Mr. PASCRELL, Mr. ROTHman, Mr. FRELINGHUYSEN, Mr. PAYNE, and Mr. LOBIONDO):

H.R. 3233. A bill to repeal a provision of law preventing donation by the Secretary of the Navy of the two remaining Iowa-class battleships listed on the Naval Vessel Register and related requirements; to the Committee on National Security.

By Mr. POMBO (for himself, Mr. LEWIS of California, Mr. MCKEON, Mr. SESSIONS, Mr. STUMP, Mr. DOOLITTLE, and Mr. COBURN):

H.R. 3234. A bill to require peer review of scientific data used in support of Federal regulations, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REDMOND:

H.R. 3235. A bill to authorize the Navajo Indian irrigation project to use power allocated to it from the Colorado River storage project for on-farm uses; to the Committee on Resources.

By Mr. ROTHMAN (for himself, Ms. ROS-LEHTINEN, Mr. GILMAN, Mr. HAMILTON, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BARR of Georgia, Mr. BENTSEN, Mr. BERMAN, Mr. BRADY, Mr. BROWN of Ohio, Mr. BURTON of Indiana, Mr. CALVERT, Ms. CARSON, Mr. CUNNINGHAM, Mr. DEUTSCH, Mr. DOYLE, Mr. ENGEL, Mr. FILNER, Mr. FOLEY, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEJDENSON, Mr. HORN, Ms. JACKSON-LEE, Mr. KENNEDY of Rhode Island, Mr. LANTOS, Mr. LOBIONDO, Mr. MANZULLO, Mr. MARKEY, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. MENENDEZ, Mr. NADLER, Mr. NORWOOD, Mr. OWENS, Mr. PALLONE, Mr. PAPPAS, Mr. PASCRELL, Mr. PORTER, Mr. ROEMER, Mrs. ROUKEMA, Ms. SANCHEZ, Mr. SAXTON, Mr. SHAYS, Mr. SHERMAN, Mr. SNOWBARGER, Mr. SPRATT, Mrs. THURMAN, Mr. TOWNS, Mr. TURNER, Mr. WATTS of Oklahoma, Mr. WEXLER, Mr. YATES, Mr. GORDON, Mr. EVANS, Mr. DIAZ-BALART, Mr. MALONEY of Connecticut, Mr. HOYER, Mr. KING of New York, Mr. FRELINGHUYSEN, Mr. FORBES, and Mr. FOX of Pennsylvania):

H.R. 3236. A bill to promote full equality at the United Nations for Israel; to the Committee on International Relations.

By Mr. SCHUMER:

H.R. 3237. A bill to establish a national registry from which adopted children may obtain medical information voluntarily provided by their birth parents; to the Committee on Ways and Means.

By Mr. SESSIONS (for himself, Mr. ARCHER, Mr. BARTON of Texas, Mr. BRADY, Mr. BONILLA, Mrs. CHENOWETH, Mr. COMBEST, Mr. CRAPO, Mr. DELAY, Mr. EDWARDS, Ms. GRANGER, Mr. HALL of Texas, Mr. SAM JOHNSON, Mr. REDMOND, Mr. SANDLIN, Mr. SHADEGG, Mr. SMITH of Texas, Mr. THORNBERRY, Mr. TURNER, and Mr. YOUNG of Alaska):

H.R. 3238. A bill to amend the Federal Water Pollution Control Act to prevent lapses in National Pollutant Discharge Elimination System permits; to the Committee on Transportation and Infrastructure.

By Mr. SHAW:

H.R. 3239. A bill to amend the Social Security Act to require health maintenance organizations under the Medicare Program to disclose to enrollees and potential enrollees certain information on the credentials of physicians providing services by or through the organization, the financial status of the organization, and the compensation paid to officers and executives of the organization; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. ACKERMAN, Mr. BOEHLERT, Mr. ENGEL, Mr. GILMAN, Mr. HINCHEY, Mr. HOUGHTON, Mrs. KELLY, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MANTON, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCNULTY, Mr. NADLER, Mr. QUINN, Mr. RANGEL, Mr. SCHUMER, Mr. SERRANO, Mr. TOWNS, Ms. VELAZQUEZ, and Mr. WALSH):

H.R. 3240. A bill to direct the Secretary of the Interior to study alternatives for establishing a national historic trail to commemorate and interpret the history of women's rights in the United States; to the Committee on Resources.

By Mr. SOUDER (for himself, Mrs. MYRICK, and Mr. WATTS of Oklahoma):

H.R. 3241. A bill to amend the Housing and Community Development Act of 1974 to authorize States to use community development block grant amounts provided for nonentitlement areas to offset the costs of State charity tax credits; to the Committee on Banking and Financial Services.

By Mr. SOUDER (for himself, Mr. BURTON of Indiana, and Mr. SOLOMON):

H.R. 3242. A bill to ban the provision of Federal funds to the International Monetary Fund unless a joint resolution is enacted that approves a certification by the Attorney General and the Secretary of State that all countries eligible to receive IMF funds are cooperating fully with the congressional and Justice Department investigations into the financing of the 1996 presidential election campaign and have disclosed the identity of all commercial entities in the country that would benefit from the provision of the funds; to the Committee on Banking and Financial Services.

By Mrs. THURMAN (for herself, Mrs. FOWLER, Ms. BROWN of Florida, Mr. BOYD, Mr. DAVIS of Florida, Mr. DEUTSCH, Mr. FOLEY, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, and Mr. WEXLER):

H.R. 3243. A bill to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water resource development for the purpose of maximizing available water supply and protecting the environment through the development of alternative watersources; to the Committee on Transportation and Infrastructure.

By Mr. WISE:

H.R. 3244. A bill to suspend temporarily the duty on KN001 (a hydrochloride); to the Committee on Ways and Means.

By Mr. BEREUTER:

H. Con. Res. 218. Concurrent resolution concerning the urgent need to establish a cease fire in Afghanistan and begin the transition toward a broad-based multiethnic government that observes international norms of behavior; to the Committee on International Relations.

By Mr. BROWN of Ohio (for himself, Mr. SOLOMON, Mr. STUPAK, Mr. BILIRAKIS, Ms. DEGETTE, Mr. STRICKLAND, Mr. CHABOT, Mr. WYNN, and Mr. ROHRABACHER):

H. Con. Res. 219. Concurrent resolution relating to Taiwan's participation in the World Health Organization; to the Committee on International Relations.

By Mr. FOX of Pennsylvania (for himself, Mr. WELLER, Mr. ROTHMAN, Mr. ENGEL, Mr. GILMAN, Mr. PASCRELL, Mr. SHERMAN, Mr. SCHUMER, Mr. SALMON, Mr. FORBES, Mr. MILLER of Florida, Mr. WEXLER, Mr. CAMPBELL, Mr. CHABOT, and Mr. POSHARD):

H. Con. Res. 220. Concurrent resolution regarding American victims of terrorism; to the Committee on International Relations.

By Mr. GALLEGLY (for himself and Mr. ACKERMAN):

H. Con. Res. 221. Concurrent resolution expressing the sense of the House of Representatives that a renewed effort be made by all sides to end the violent guerrilla war in Colombia, which poses a serious threat to democracy as well as economic and social stability as evidenced by the recent increase in guerrilla and paramilitary violence which victimizes public officials and Colombian and foreign nationals; to the Committee on International Relations.

By Mr. GALLEGLY (for himself and Mr. ACKERMAN):

H. Con. Res. 222. Concurrent resolution expressing the sense of Congress, congratulating the former International Support and Verification Commission of the Organization of American States (OAS-CIAV) for successfully aiding in the transition of Nicaragua from a war-ridden state into a newly formed democracy and providing continued support through the recently created Technical Cooperation Mission (OAS-TCM) which is responsible for helping tostabilize Nicaraguan democracy by supplementing institution building; to the Committee on International Relations.

By Mr. GINGRICH (for himself, Mr. ARMEY, Mr. DELAY, Mr. KING of New York, Mr. SPENCE, Mr. SOLOMON, Mr. STUMP, Mr. DOOLITTLE, Mr. BURTON of Indiana, Mr. ISTOOK, Mr. MCINTOSH, Mr. BUYER, Mr. SKELTON, and Mr. SNYDER):

H. Res. 360. A resolution recognizing, and calling on all Americans to recognize, the courage and sacrifice of the members of the Armed Forces held as prisoners of war during the Vietnam conflict and stating that the House of Representatives will not forget that more than 2,000 members of the United States Armed Forces remain unaccounted for from the Vietnam conflict and will continue to press for a final accounting for all such servicemembers whose fate is unknown; to the Committee on National Security.

By Mr. BEREUTER:

H. Res. 361. A resolution calling for free and impartial elections in Cambodia; to the Committee on International Relations.

By Mr. GALLEGLY (for himself, Mr. HAMILTON, Mr. ACKERMAN, Mr. HOUGHTON, Mr. BALLENGER, and Mr. CAMPBELL):

H. Res. 362. A resolution commending the visit of His Holiness Pope John Paul II to Cuba; to the Committee on International Relations.

By Mr. GEKAS (for himself and Mr. PORTER):

H. Res. 363. A resolution expressing the sense of the House of Representatives that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 1999; to the Committee on Commerce.

By Mr. SMITH of New Jersey (for himself, Mr. GILMAN, Mr. GEPHARDT, Mr. WOLF, Ms. PELOSI, Mr. ROHRABACHER, Mr. LANTOS, Mr. FRANK of Massachusetts, Ms. NORTON, Mr. UNDERWOOD, Mr. BURTON of Indiana, Mr. TIERNEY, and Mr. CLAY):

H. Res. 364. A resolution urging the introduction and passage of a resolution on the human rights situation in the People's Republic of China at the 54th Session of the United Nations Commission on Human Rights; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mr. SMITH of Michigan introduced a bill (H.R. 3245) to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Chester G. Theissen, of East Leroy, Michigan, for acts of valor during the Korean conflict; which was referred to the Committee on National Security.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. NETHERCUTT, Mr. LUCAS of Oklahoma, Mr. RAMSTAD, Mr. KIM, Mr. GILCHREST, and Mr. OXLEY.

H.R. 123: Mr. ADERHOLT and Mr. LUCAS of Oklahoma.

H.R. 218: Mr. PAUL and Mr. STRICKLAND.

H.R. 234: Mr. MILLER of California, Mr. FALEOMAVAEGA, and Mr. BROWN of Ohio.

H.R. 284: Mr. LAFALCE, Mr. RODRIGUEZ, Mr. TORRES, and Ms. FURSE.

H.R. 306: Mr. WALSH.

H.R. 350: Mr. BISHOP, Mr. PALLONE, and Ms. PRYCE of Ohio.

H.R. 508: Mr. PAUL.

H.R. 519: Mr. PORTMAN, Mr. RAMSTAD, Mr. BONIOR, Mr. CUMMINGS, and Ms. KILPATRICK.

H.R. 612: Mr. JOHN, Ms. KILPATRICK, Mr. STUMP, Mr. FATTAH, Mr. BLUMENAUER, Mr. GILMAN, Mr. SCHUMER, and Mr. UPTON.

H.R. 630: Mr. BROWN of California.

H.R. 699: Mr. LEWIS of California and Mr. STUPAK.

H.R. 758: Mrs. EMERSON, Mrs. ROUKEMA, and Mr. DREIER.

H.R. 774: Mr. BROWN of California.

H.R. 791: Mr. PAUL.

H.R. 859: Mr. PICKERING, Mr. TIAHRT, Mr. HALL of Texas, Mr. BARCIA of Michigan, Mr. EDWARDS, and Mr. HUTCHINSON.

H.R. 863: Mr. ROTHMAN.

H.R. 900: Mr. DAVIS of Florida.

H.R. 979: Mr. KNOLLENBERG, Mr. ROMERO-BARCELO, Ms. HARMAN, Mr. DICKS, Mr. CHRISTENSEN, and Mr. TRAFICANT.

H.R. 1071: Ms. CHRISTIAN-GREEN.

H.R. 1114: Mr. DUNCAN and Mr. CALLAHAN.

H.R. 1161: Mr. SHERMAN.

H.R. 1362: Mr. WYNN.

H.R. 1371: Mr. DOOLITTLE.

H.R. 1425: Mr. CLYBURN and Mr. BERMAN.

H.R. 1595: Mr. SUNUNU, Mr. MILLER of Florida, and Mr. CRAMER.

H.R. 1605: Mr. WEXLER.

H.R. 1689: Mr. MEEHAN, Mr. KINGSTON, Mr. SHAYS, Mr. MCINTOSH, Mr. CLEMENT, Mr. HILL, Mr. BARTLETT of Maryland, Mr. STUMP, Mr. SNYDER, Mr. EHRLICH, and Mr. FOSSELLA.

H.R. 1712: Mr. CALVERT.

H.R. 1715: Mr. GUTIERREZ, Mr. PASTOR, Mr. HORN, Mr. DAVIS of Illinois, Mr. TRAFICANT, Mr. BALDACCI, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, and Mr. SANDERS.

H.R. 2020: Mr. STOKES, Mr. BLAGOJEVICH, Mr. FAWELL, and Mr. FORD.

H.R. 2094: Mr. MARKEY.

H.R. 2109: Ms. RIVERS.

H.R. 2228: Mr. TORRES.

H.R. 2290: Mr. HASTINGS of Florida.

H.R. 2345: Mr. POSHARD, Ms. LOFGREN, and Mr. JACKSON.

H.R. 2400: Mr. BROWN of California, Mr. EVANS, and Mr. TAUZIN.

H.R. 2431: Mr. CUMMINGS, Ms. KAPTUR, Mr. SESSIONS, Mr. STUPAK, and Mr. NEUMANN.

H.R. 2450: Mr. PAUL.

H.R. 2467: Mr. FARR of California.

H.R. 2485: Mr. GEKAS and Mr. LUTHER.

H.R. 2497: Mrs. LINDA SMITH of Washington, Mr. TAUZIN, and Mr. METCALF.

H.R. 2501: Mr. PAUL.

H.R. 2504: Ms. WOOLSEY.

H.R. 2524: Mr. HINCHEY and Mr. BARRETT of Wisconsin.

H.R. 2537: Mr. GOODLING.

H.R. 2549: Mr. DAVIS of Virginia, Mr. ADAM SMITH of Washington, and Mr. STOKES.

H.R. 2579: Mr. HUNTER, Mr. RYUN, and Mr. HILL.

H.R. 2602: Ms. NORTON.

H.R. 2613: Mr. CRAMER and Mr. BALDACCI.

H.R. 2691: Mr. FORBES.

H.R. 2697: Mr. ROTHMAN.

H.R. 2718: Mr. GOODLING.

H.R. 2723: Mr. TALENT.
H.R. 2734: Mr. YOUNG of Alaska.
H.R. 2736: Mr. SOLOMON.
H.R. 2752: Mr. TORRES and Mr. SHUSTER.
H.R. 2754: Mr. TIERNEY.
H.R. 2755: Mr. ENGLISH of Pennsylvania and Mr. SCHUMER.
H.R. 2760: Mr. BARCIA of Michigan and Mr. SHAW.
H.R. 2774: Ms. STABENOW and Ms. MCKINNEY.
H.R. 2778: Mr. MALONEY of Connecticut and Mr. DAVIS of Illinois.
H.R. 2788: Mr. FOLEY, Ms. WOOLSEY, and Mr. KOLBE.
H.R. 2797: Mr. FORD.
H.R. 2819: Mr. KUCINICH, Mr. ADAM SMITH of Washington, Ms. LOFGREN, and Mr. MCGOVERN.
H.R. 2821: Mr. FROST, Mr. HOEKSTRA, Mr. COYNE, Mr. CAMP, Mr. GUTIERREZ, Mr. KILDEE, Ms. KILPATRICK, Mr. ROHRABACHER, and Mr. UPTON.
H.R. 2829: Mr. BOUCHER, Ms. DEGETTE, Mr. TIERNEY, and Mr. WALSH.
H.R. 2867: Mr. BEREUTER and MR. SOLOMON.
H.R. 2870: Mr. GALLEGLY, Mr. ACKERMAN, Mr. LUTHER, Mr. BILBRAY, Mrs. KELLY, and Mr. HOBSON.
H.R. 2912: Mr. GOODE.
H.R. 2921: Mr. DAVIS of Florida.
H.R. 2982: Mr. SHAYS, Mrs. MALONEY of New York, and Mr. HORN.
H.R. 2994: Mr. FROST, Mr. BROWN of California, Ms. KILPATRICK, Mr. HORN, Mr. KUCINICH, Ms. SLAUGHTER, Mr. BLUMENAUER, Mr. MORAN of Virginia, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. FURSE, Mr. BENTSEN, Ms. LOFGREN, and Mr. SHERMAN.
H.R. 3026: Mr. ROTHMAN.
H.R. 3032: Mr. FALEOMAVAEGA.
H.R. 3050: Mr. LEVIN.
H.R. 3065: Mrs. TAUSCHER.
H.R. 3072: Mr. HORN, Mr. SCHUMER, Ms. DEGETTE, Mr. LEWIS of Georgia, Mr. RUSH, Mr. TIERNEY, Mr. FORD, and Mr. DAVIS of Illinois.
H.R. 3081: Mrs. TAUSCHER, Mr. SABO, Mr. WEXLER, Ms. DEGETTE, Mr. ROTHMAN, Mr. BLAGOJEVICH, Ms. JACKSON-LEE, Mr. LAMPSON, and Ms. VELAZQUEZ.
H.R. 3084: Ms. FURSE, Ms. LOFGREN, and Mr. STRICKLAND.
H.R. 3086: Mr. JOHN, Mr. BALDACCI, Mr. FORD, Ms. KILPATRICK, Mr. OLVER, Mr. HASTINGS of Florida, Mr. BONIOR, Mr. MCDERMOTT, Mr. SANDERS, Mr. CLYBURN, Mr. BROWN of California, and Mr. TORRES.
H.R. 3100: Mr. BECERRA, Ms. CARSON, Mrs. CLAYTON, Mr. DICKS, Mr. DIXON, Mr. FORD, Ms. HOOLEY of Oregon, Mr. JEFFERSON, Mr. KLECZKA, Mr. MCNULTY, Mr. RANGEL, Ms. SANCHEZ, Mr. STRICKLAND, Mr. WEXLER, Mr. WEYGAND, and Ms. WOOLSEY.
H.R. 3125: Mr. MANTON, Mr. PAUL, and Mr. GREENWOOD.
H.R. 3126: Mr. FORD, Mr. SANDLIN, Mr. YATES, and Ms. KILPATRICK.
H.R. 3131: Mr. CLYBURN.
H.R. 3140: Mr. PETERSON of Minnesota and Mr. HEFLEY.
H.R. 3172: Mr. HILL.
H.R. 3174: Mrs. EMERSON, Mr. JONES, and, Mrs. LINDA SMITH of Washington.
H. Con. Res. 52: Mr. GREENWOOD, Mr. PICKETT, Mr. NEAL of Massachusetts, Mr. HORN, Mr. METCALF, and, Mr. ENGLISH of Pennsylvania.
H. Con. Res. 114: Mr. WEXLER and Mr. TIERNEY.
H. Con. Res. 154: Mr. LEWIS of Georgia, Mrs. LOWEY, and Mr. LUTHER.
H. Con. Res. 184: Mr. HANSEN, Mr. KENNEDY of Massachusetts, Mr. HOLDEN, Mr. LEWIS of Georgia, and Mr. LAMPSON.
H. Con. Res. 187: Mr. BENTSEN, Mr. REYES, and Mr. HALL of Texas.
H. Con. Res. 195: Ms. LOFGREN, Ms. FURSE, and Mr. FROST.
H. Con. Res. 203: Mrs. LOWEY, Ms. KILPATRICK, Mr. DAVIS of Virginia, Mr. SOLOMON, Mr. GUTIERREZ, and Mr. MCNULTY.
H. Con. Res. 216: Mr. GOODLING.
H. Con. Res. 217: Mr. NORWOOD, Mr. GILLMOR, Mr. WHITFIELD, and Mr. WHITE.
H. Res. 279: Mr. MARKEY, Mr. VENTO, and Mr. COSTELLO.
H. Res. 340: Ms. SANCHEZ, Mr. ETHERIDGE, Ms. RIVERS, and Mr. DELAHUNT.

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Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Today, on Abraham Lincoln's birthday, we remember some of the most powerful things he said about prayer. ''I have been driven many times to my knees,'' he said, ''by the overwhelming conviction that I had nowhere to go but to prayer. My own wisdom and that of all about me seemed insufficient for the day.'' When asked whether the Lord was on his side, he responded, ''I am not at all concerned about that, for I know that the Lord is always on the side of the right. But it is my constant anxiety and prayer that I—and this nation—should be on the Lord's side.''

Let us pray. Holy, righteous God, so often we sense that same longing to be in profound communion with You because we need vision, wisdom, and courage no one else can provide. We long for our prayers to be an affirmation that we want to be on Your side rather than an appeal for You to join our cause. Forgive us when we act like we have a corner on truth and our prayers reach no further than the ceiling. In humility, we spread our concerns before You and ask for Your marching orders and the courage to follow the cadence of Your drumbeat. Through Him who taught us to pray, ''Your will be done on Earth as it is in heaven.'' Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator NICKLES, is recognized.

Mr. NICKLES. Mr. President, the Senate pro tempore, thank you very much.

THANKING THE CHAPLAIN

Mr. NICKLES. Mr. President, I want to thank our Chaplain again for a beautiful opening prayer and excellent way to start a day which I believe is going to be a beautiful day.

SCHEDULE

Mr. NICKLES. Mr. President, this morning the Senate will be in a lengthy period of morning business through the hour of 2 p.m. for a number of Senators to speak. Following morning business, the Senate may proceed to any legislative or executive business cleared for action. Therefore, votes are possible during today's session of the Senate. As always, announcement will be made as soon as any rollcall votes are scheduled. As previously stated by the majority leader, there will be no rollcall votes during Friday's session of the Senate. I thank all Senators for their attention.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. SANTORUM). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. with Senators permitted to speak for not to exceed 10 minutes each.

Under the previous order, the Senator from Oklahoma is recognized to speak for up to 20 minutes.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, thank you very much.

HEALTH CARE QUALITY

Mr. NICKLES. Mr. President, I want to make some statements dealing with health care. There has been a lot of discussion on health care and improving the quality of health care. Some of our colleagues have introduced legislation dealing with the quality of health care. I think that is important. But I think it is also very important that we actually improve quality, not improve the number of regulations.

Today, Mr. President, Americans enjoy the highest quality of health care in the world.

In 1993, President Clinton proposed a plan that would have devastated health care quality. It would have limited the amount of health care that Americans could receive by limiting the amount of money, whether private or public, that could be spent on health care services. It would require that everyone have the same one-size-fits-all package of health insurance benefits. And it would have enrolled everyone in managed care plans.

Had President Clinton had his way, Americans would now be trapped in a health care system with the efficiency of the post office and the compassion of the IRS at Pentagon prices. The Republicans led the fight against President Clinton's health care plan because we believe Americans deserve the best. We believed it then and we believe it today.

Now President Clinton wants to lead an assault on private managed care plans. The man who wanted to put everyone in an HMO now wants the Government to wage war on HMOs. That is a pretty dramatic change. But one thing has not changed: President Clinton still wants Government-run health care. As he said to the Service Employees International Union less than 5 months ago regarding his rejected universal health care program:

> If what I tried before won't work, maybe we can do it another way. That's what we've tried to do, a step at a time, until we eventually finish this.

President Clinton is now attempting to impose on you his newest attempt at Government-run health care and masking his efforts with the name ''quality.''

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. President, Republicans want only the highest quality health care. But I have not seen anything to convince me that bigger Government, more regulations, and expanded bureaucratic control is the means to higher quality.

Look at just one example of Government-controlled health care: The Medicare system. I am a member of the Finance Committee, the tax-writing committee of the Senate. We have been looking at the IRS and its treatment of taxpayers. There are 12,000 pages that deal with tax policy. I might mention, that is about 10 times the size of the Bible and, unlike the Bible, has no good news.

Well, there are 12,000 pages dealing with tax policies. That is a lot. But, Mr. President, do you know how many pages govern Medicare? Forty-five thousand, about four times as much as we have on tax policy. That comes from Dr. Robert Waller, the Mayo Clinic, Health Care Leadership Council. Forty-five thousand pages, yet the system is archaic, inefficient, and on the path of bankruptcy despite astronomical tax increases.

We know many people have believed they were denied coverage that their plans were supposed to cover. We recognize that some individuals fear that their health care plans will not give them access to specialists when they need them. We know that some Americans think their health care plans care more about cost than they do about quality. These are real fears of unacceptable conditions. We must do better. I think we can do better.

But the way to do better is not by politicizing health care quality or entrusting Government bureaucrats with policing health insurers. The way to do better is to emphasize what makes our system the best in the world—employers who insist their employees have access to the best plans, doctors and hospitals who aspire to excellence, and informed consumers who will not settle for anything less than the best. Quality health care cannot be managed and directed from Washington, DC.

Unfortunately, Mr. President, in the rush to respond to both real and perceived problems in managed care, members of both parties have introduced comprehensive proposals which potentially threaten—not enhance—the quality of health in our health care system.

Some of my colleagues may ask how I can make such a statement. You only have to look back to the end of the 104th Congress to illustrate my point. A majority of Congress supported an effort last year to mandate that all insurance plans cover 48-hour maternity stays in hospitals. Many of my colleagues on both sides of the aisle felt that it was socially unacceptable to discharge newborns and mothers from the hospital after only 24 hours and crafted legislation largely around social opinion.

Many Members felt great about voting for something positive for women and children. However, several months following the passage of that legislation an article appeared in the Journal of the American Medical Association. And here is what the clinical researchers and physicians had to say about what Congress accomplished.

> While the spirit of the current legislation may be laudable, its content does not solve the most important problems regarding the need for early postpartum/postnatal services.
>
> The legislation may give the public a false sense of security. It may call into question the reasonableness of relying on legislative mechanisms to micromanage clinical practice.
>
> Good clinical judgment, based on careful consideration of available evidence, suggests that the difference between a postpartum stay of 24 hours and a stay of 48 hours is unlikely to be a critical determinant of newborn or maternal health outcomes.

In other words, Congress made a nice, laudable attempt. We said we are going to mandate 48 hours, but it has had no appreciable improvement on the quality of health care.

It appears that our so-called victory in passing 48 hours may have in fact done more harm than good in helping women and newborns. This experience, and others like it, should have taught us what not to do. So what should our guiding principles be? I believe that there are three.

Whatever the proper role for Government in the health care debate, we must assure that it does not increase health insurance premiums, reduce the number of people who have health insurance coverage, or create massive new bureaucracies that will harm health care quality.

Why are these things important? Well, let us take a look at cost. We have a bill pending in Congress—the Patients Access to Responsible Care Act—and that is a pretty nice title. It is one of many that attempts to address health care by expanding Government control. But a recent study concluded that provisions in that bill alone would raise premiums by an average of 23 percent. That was done last year, 1997, by Milliman and Roberts.

Let us take a look at what that means. To the average family, that is an increase of about $1,220 per year. That is over $100 per month. That is real money. And I think a lot of families cannot afford that.

Cost is a very real issue. We do not want health care costs and prices to rise. We already know from the Congressional Budget Office that without any additional regulations at all, the growth in private health care premiums will be about 5.5 percent in 1998. That is up from 3.8 percent in 1997. So why in the world would we want to do anything that would accelerate the increase? I do not think we should.

No. 2, we do not want to do anything that will drive people from health insurance.

For a long time we have heard people beat up employers for not offering health care to their employees. But what are the facts? Well, someone looked into it and now we know that more employers than ever are offering health insurance. The problem is that employees are choosing not to take advantage of it because of cost. That came out from a study in 1997 by Cooper and Schone.

A separate study concludes that every 1 percent increase in private health insurance premiums results in 400,000 additional uninsured Americans. That was from a 1997 Lewin study. So, 400,000 additional uninsured Americans every time health insurance premiums increase 1 percent in real terms.

Now, wait a minute. If the PARCA bill—the Patient Access to Responsible Care Act—is estimated to increase costs by 23 percent, and every one of those percentage points equals 400,000 additional uninsured Americans, my calculations work that out to over 9 million Americans would lose their health insurance.

Mr. President, we do not want to do that. That may not be sound science, but the potential for such an outcome would be a disaster. It is too big of a gamble, in my opinion. Higher prices and more uninsured Americans does not sound like better health care quality to me. So let us not do that.

Thirdly, and finally, we want to make sure that the very best entity is monitoring the health care industry. And what are the options?

Many in Congress seem to think the answer is Government, so let us talk about Government overseeing health care. I can think of a few examples of the government's bad track record. We have the Indian health care in New Mexico and Oklahoma. There is an Indian hospital in Oklahoma right now that provides, I am going to say, pathetic service. And it happens to be bankrupt. We have had this problem, in addition to Medicaid and veterans hospitals and on and on and on. I mention that Government facilities, 100 percent Government-run facilities, are not the solution. It is probably some of the poorest quality of health care, not the best quality of health care. We want to improve quality, not reduce quality.

Some of the Nation's leading health care facilities today are expressing their concerns about Government oversight. I am thinking of the Mayo Clinic, Baylor Health Care System, and the Cleveland Clinic. They are all raising their voices in opposition to more Federal regulation of health care quality. I would like to share with my colleagues a few of their comments. I will ask unanimous consent that their letters be printed in the RECORD following my statement.

Baylor Health Care System—I will just read a couple of the paragraphs. It says:

> There has been an enormous commitment on the part of Baylor Health Care System and providers throughout the country to evaluate and put in place the processes for continuous quality improvement. We believe it must be done at this level. Providers of care are in the unique position, based on their personal commitment to the well-being

of the individual patient, to drive quality improvement initiatives. Nothing could stifle innovation quicker than external mandatory standards.

* * * * *

We strongly believe that the private sector is heavily committed and working very diligently on continuous quality improvement and that this will bring about the best outcome for the patients and communities we serve.

The Cleveland Clinic—one paragraph says:

Second, we are already subject to extensive federal, state and private regulations through oversight by private payors and accrediting bodies. Adding yet another layer of regulation will only further complicate matters, add administrative costs to our organization, and in all likelihood have little or no effect on the actual quality of care provided.

Dr. Bob Waller of the Mayo Clinic has stated:

Quality is a continuous process that must be woven into the fabric of how we think, act and feel. Government regulation places a stake in the ground that freezes in place a quality standard that may become obsolete very quickly. The Government simply cannot react quickly to the changing quality environment. The goal of quality is to continuously improve patient care—not to achieve some defined regulatory standard.

On January 28, several organizations—including the Joint Commission on Accreditation of Health Care Organizations, the National Committee for Quality Insurance and the American Medical Association—sent a letter to the President and Republican leadership stating their concern and opposition to the Federal Government preempting the private sector and creating new Federal agencies and entities. Specifically, they said quality would:

* * * become hamstrung by political considerations, with the practical effect of retarding innovation and advance in the field of accreditation and performance measurement. In our experience, the private sector is more capable of keeping pace with the rapid changes in health care delivery and medical practice that affect quality of care considerations. Therefore, we cannot support proposals that might have the unintended effect of undermining marketplace incentives for rigorous accreditation programs and robust performance measures.

Mr. President, I don't think the Government is the best caretaker of health care quality. I'm much more inclined to trust the independent organizations like the Joint Commission on Accreditation of Health Care Organizations and the National Committee for Quality Insurance. Because the Government alternatively leaves oversight to the folks at the Department of Labor and the Health Care Finance Administration—who, I might mention, took 10 years to implement a 1987 law establishing new nursing home standards; who have not bothered to change the fire safety standards for hospitals since 1985; and—in a most egregious instance—who are running end-stage renal disease facilities under Medicare using 1976 health and safety standards.

I think the answer is plain. We will not and we must not create massive new bureaucracies that will harm health care quality.

We have a real challenge ahead. We have to figure out how we can best address the very real complaints and concerns of the American people while not rushing to pass legislation that will exacerbate the problems or create new problems altogether.

To that end, our majority leader has instructed me to take a hard, honest look at issues that affect health care quality. At his instruction, I have put together a health care quality task force to examine the problems in our current system. Senators ROTH, CHAFEE, COATS, COLLINS, FRIST, SANTORUM, HAGEL and myself will be working together to find real answers to hard questions.

I know some of my colleagues have introduced legislation and they have very good intentions. We want to work with those colleagues, but again we want to make sure that we don't pass legislation that increases health care costs, we want to make sure we don't pass legislation that will put millions of people into the uninsured category for the first time. That would be a real mistake, and we don't want to pass legislation that will increase bureaucracy and reduce quality health care.

Mr. President, we have a big challenge: We will ask what the real-life impact of proposals like PARCA and President Clinton's Consumer Bill of Rights has on cost and on coverage. What will it mean to quality? We will ask whether Americans, given the choice, would rather have cutting edge institutions like Johns Hopkins setting trends in health care quality or the folks at the Department of Labor, or the Health Care Finance Administration. We will ask whom Americans should trust to monitor health care quality. Should the Federal Government do it or independent organizations who have been studying the issue and setting the pace for many years?

It is incumbent upon us as elected leaders to address these questions fairly, honestly, openly, and with an eye toward what is best for the health of a nation and not what is politically expedient.

Our objective at the very minimum is to do this: Ensure that Congress in its haste to do good does not cause an increase in the cost of health insurance, that we do not pass legislation that will unintentionally force individuals to give up their coverage, and we want to protect consumer quality by ensuring that the best possible caretakers are monitoring the quality of your health care, and not bureaucrats at the Department of Labor or at HCFA.

Mr. President, I want to make something very clear. This Republican Congress will not hijack the quality of our Nation's health care for political gain. We will, however, thoroughly and thoughtfully debate this issue and ensure that Americans continue to enjoy the highest quality health care in the world.

I ask unanimous consent the letters previously mentioned be printed in the RECORD, in addition to a letter that is signed by the American Medical Accreditation Program, the Joint Commission on Accreditation of Health Care Organizations, and the National Committee for Quality Insurance.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ACCREDITATION PROGRAM,

January 28, 1998.

Hon. DON NICKLES,
Senate Majority Whip and Assistant Majority Leader,
Washington, DC.

DEAR MAJORITY WHIP NICKLES: As the nation's leading independent health care accrediting organizations, we are writing to recommend an alternative approach to certain quality oversight provisions contained both in proposals now before Congress and in the preliminary recommendations of the Presidential Advisory Commission on Consumer Protection and Quality in the Health Care Industry.

First, we would like to commend both this Congress and the Commission for taking up the issue of health care quality and consumer protections. Our health care system continues to undergo dramatic change, and there is a pressing need to answer the public's concerns with better information, improved oversight, and increased choice. Critical to these efforts will be enhanced consumer protections, and all three of our organizations stand ready to work with this Congress and the Administration to see that this happens.

Separate from the issue of consumer rights and protections, however, is the attempt by some to preempt private sector accreditation and performance measurement activities with proposals that favor the creation of new federal agencies and entities. Because these proposed federal agencies and entities would be charged with establishing minimum criteria for accreditation and core sets of performance measures, we have a keen interest in their potential outputs. Our basic concern is that this output will become hamstrung by political considerations, with the practical effect of retarding innovation and advances in the field of accreditation and performance measurement. In our experience, the private sector is more capable of keeping pace with the rapid changes in health care delivery and medical practice that affect quality of care considerations. Therefore, we cannot support proposals that might have the unintended effect of undermining marketplace incentives for rigorous accreditation programs and robust performance measures. We believe that the work of accreditors should be highlighted and encouraged.

As an alternative to these new federal bureaucracies, we are intent on together developing a comprehensive quality measurement and reporting strategy that engages consumers and private and public sector purchases; minimizes duplication; and maximizes the incentives for organizations and individuals to undergo accreditation and report standardized performance information. Our organizations have recently engaged in some noteworthy collaborative efforts such as the National Patient Safety Foundation; the Joint NCQA–JCAHO Work Session on Protecting Patient Confidentiality in a Managed Care Environment; cross-representation on the AMAP governing body; and coordination among our respective performance measurement councils. We intend to build on these ventures and ones already ongoing with others to keep excellence in patient care our number one priority.

We believe the federal government should reward high quality health plans and providers. As the largest purchaser of health care services, the federal government must take a leadership role in value-based purchasing. The federal government is already benefiting from closer coordination with private sector accreditation bodies, and the Balanced Budget Act of 1997 contains provisions for even greater collaboration. However, in addition to using those private sector accreditation and performance measurement tools developed by organizations such as ours, the federal government must progressively adopt the posture of leading private-sector purchasers and insist on high quality care for the 67 million Medicare and Medicaid beneficiaries and the 9 million federal employees, retirees, and their dependents.

We appreciate your consideration, and stand ready to work with this Congress and the Commission to build upon the successes of private sector accreditation without interfering in the operation of a marketplace that has produced programs as rigorous as ours. Please do not hesitate to contact any of our offices.

Sincerely,

DENNIS S. O'LEARY, MD,
President, Joint Commission on the Accreditation of Healthcare Organizations.
MARGARET E. O'KANE,
President, National Committee for Quality Assurance.
RANDOLPH D. SMOAK, JR., MD,
Chair, American Medical Accreditation Program.

BAYLOR HEALTH CARE SYSTEM,
Dallas, TX, February 11, 1998.

Hon. DON NICKLES,
Assistant Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: First, let me thank you very much for your leadership and for your commitment to health related issues, specifically the matter of quality health care.

There has been an enormous commitment on the part of Baylor Health Care System and providers throughout the country to evaluate and put in place processes for continuous quality improvement. We believe it must be done at this level. Providers of care are in the unique position, based on their personal commitment to the well being of the individual patient, to drive quality improvement initiatives. Nothing could stifle innovation quicker than external mandatory standards.

Quality improvement is the key strategic objective for Baylor Health Care System. An example is the creation of our Institute for Quality which is driven by the board of trustees, physicians and senior management and extends throughout our organization. On a community level, we are involved with the Dallas-Ft. Worth Business Group on Health in building quality initiatives.

We strongly believe that the private sector is heavily committed and working very diligently on continuous quality improvement and that this will bring about the best outcome for the patients and communities we serve.

Again, we appreciate your support and look forward to working with you on this important issue.

Sincerely yours,

BOONE POWELL, JR.,
President.

CLEVELAND CLINIC FOUNDATION,
Cleveland, OH, February 11, 1998.

Hon. DON NICKLES,
U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: The Cleveland Clinic Foundation, a not-for-profit health care organization devoted to patient care, education and research in care for the ill, has serious reservations about many of the bills now pending in Congress to regulate quality in health care delivery. Our reservations are twofold.

First, quality is an elusive matter to quantify. Individual's versions of quality may vary considerably from their perspective of the health care system. A physician's emphasis, for example, is on the content of the care provided; a patient may judge quality more by the process of care delivered. In both instances, the standards are in flux as both the quality and process are constantly changing in response to new learning and new ways of better relating to patients and their families.

Second, we are already subject to extensive federal, state and private regulations through oversight by private payors and accrediting bodies. Adding yet another layer of regulation will only further complicate matters, add administrative costs to our organization, and in all likelihood have little or no effect on the actual quality of care provided.

We would urge that Congress proceed cautiously as it begins its debate about whether federal authority should be expanded in this important but necessary complex area of patient care.

Sincerely,

FLOYD D. LOOP, M.D.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized to speak up to 45 minutes.

Mr. DOMENICI. Mr. President, I may not use that 45 minutes. I expect five or six Senators to join me and they have given me their statements. If they do not come I will place their statements in the RECORD.

(The remarks of Mr. DOMENICI, Mr. CLELAND, Mr. DODD, Mr. COCHRAN, Ms. MIKULSKI, AND Mr. KEMPTHORNE pertaining to the introduction of S. Res. 176 are located in today's RECORD under ''Submission on Concurrent and Senate Resolutions.'')

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has one hour.

Mr. BYRD. Mr. President, I ask unanimous consent that any time that I do not use of my hour be reserved for later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. BYRD. Mr. President, I rise to commend the members of the Committee on Environment and Public Works, and especially the distinguished chairman of the committee, my lovable colleague from Rhode Island, Senator JOHN CHAFEE, that old crusty New Englander, whom I greatly admire, for including some very important provisions in S. 1173, the Intermodal Surface Transportation Efficiency Act of 1997, or ISTEA II. In my statement today, I will focus on the important provisions in the committee-reported bill that will expedite the delivery of desperately needed transportation projects to the American people—that is, if we ever get the opportunity to debate and amend and adopt this important bill.

I think most members would agree that addressing environmental issues in this body in a strong bipartisan way is—to say the least—difficult. Yet, Senator CHAFEE has managed to accomplish what few Senators have been able to do—craft legislation that enjoys strong support from Senators on both sides of the aisle that would help put order and efficiency in the way transportation projects are reviewed by both state and federal agencies, and as a result, reduce the time it takes to plan a project by as much as three years.

The ISTEA bill as reported by the Environment and Public Works Committee, recognizes that every day counts when planning and constructing a highway or bridge in this country are undertaken. The problem that was addressed in S. 1173 is a serious one. It now takes ten years to plan, design, and construct a typical transportation project in this country. I am sure that if Senators contacted their own state transportation departments, they would be disturbed to find the number of transportation projects that are being delayed due to overlapping and often redundant regulatory reviews and processes. These delays increase costs and postpone needed safety improvements that would save lives. One of the lives it saves may be yours. Think about it. I can tell my colleagues that, in my state of West Virginia, these numerous regulatory reviews have delayed critical improvements to the two most dangerous segments of roadway in the state.

Why does it take so long to plan a project? These delays are occurring because the development of a transportation project involves multiple federal and state agencies evaluating the impacts of the project and possible alternatives, as required by the National Environmental Policy Act (NEPA). While it would seem that the NEPA process would establish a uniform set of regulations and procedures for the submission of documents nationwide, this has not been the case.

For example, the Environmental Protection Agency, U.S. Corps of Engineers, U.S. Coast Guard, U.S. Fish and Wildlife Service, and their companion state agencies each require a separate review and approval process, forcing separate reviews guided by separate regulations and requiring planners to answer separate requests for information. Moreover, each of these agencies issues approvals according to separate schedules. The result: the time period

from project beginning to completion has grown to at least 10 years in many instances, and that assumes that the project is not controversial and that adequate funding is available. If either of these assumptions is not the case, the time period may be even longer.

The highway bill reported by the Environment & Public Works Committee effectively improves the project planning process by establishing a coordinated environmental review procedure within the U.S. Department of Transportation. This change would allow all reviews, all analyses, and all permits to be performed concurrently and cooperatively within a mutually-agreed-upon schedule, by both the federal and state agencies with jurisdiction over the project. Effective environmental coordination, as envisioned under the ISTEA bill, would result in less staff time and less expense for all the agencies and stakeholders in the NEPA process and reduce the time it now takes in reaching a final decision with respect to receiving project approvals and permits.

The committee studied a problem, the committee sought a solution, and the committee put that solution in their bill. I understand that further improvements to those provisions may be offered on the Senate floor, if and when we finally take up and debate S. 1173, the 6-year highway authorization bill. But here is the problem: we are not considering S. 1173. We are not considering the 6-year highway authorization bill. When will the bill be brought up? How long, Mr. President, must we wait? Every day counts when planning and constructing a transportation project. But soon, there will be no more days to count because the program—the short-term, 6-month highway authorization measure—will have expired and the funds will have dried up. Counting today—counting today—there are only 42 session days remaining through May 1.

So, we count today, and we count the day of May 1. And counting these 2 days, there are only 42 session days remaining. The time bomb is ticking. You can hear it tick. And with every tick a minute, an hour, a day will be gone. The time bomb is ticking—tick, tick, tick, tick. No projects will be delivered under any review process after May 1, because that is the drop-dead date in the short-term extension legislation presently in place, beyond which no State may obligate any Federal dollars.

Let's pause to read the language that is in the law—the law which Congress passed last November and which was signed by President Clinton on December 1 of last year. Read the language in the law. Read the language, I say to the Governors and the mayors and the highway agencies and to Senate and House Members. Read it. Here it is. I now read from Public Law 105–130: The Surface Transportation Extension Act of 1997. Here it is. Read it. Hear me as it is:

'' . . . a State shall not—

It doesn't say ''may not.''

'' . . . a State shall not obligate any funds for any Federal-aid highway program project after May 1, 1998 . . . .''

Let me read it again. This is the language in the law which the Senate and House passed and which the President signed. Here is the language:

'' . . . a State shall not obligate any funds for any Federal-aid highway program project after May 1, 1998 . . . .''

As I say, counting today, and May 1, also, we have only 42 days in which the Senate will be in session, not counting Sundays, not counting Saturdays, not counting holidays. We have 42 session days. The time bomb is ticking.

The clock is ticking. The days are counting down now before this deadline. If an ISTEA reauthorization bill is not enacted by midnight on May 1, highway program obligations will cease and projects will not move forward.

Any delay in the planning and construction phases of a project may cause the price of the project to rise considerably. In addition, a delay in federal funding can cause a logjam of projects to be let for bidding, resulting in a ''crowding'' of a large number of proposed projects into the latter part of a construction season.

The construction seasons are soon going to be upon us, when

The lark's on the wing;
The snail's on the thorn;
God's in his heaven—
All's right with the world.

Spring will be here. But will a 6-year highway authorization bill have been passed?

This increased workload may strain the capacity of the construction industry and subsequently increase the cost of projects.

Stopping the Federal-aid highway program, even for a brief period, will also impact project delivery schedules in the long run. If preliminary engineering and design work is not allowed to proceed, then construction will not occur and, in fact, will be deferred into a second construction season, thus crowding out and delaying projects that were planned for the second year. Such a delay would have a ripple effect—a ripple effect—from which it may take years for states to fully recover. Remember, we are talking about critical transportation projects designed to improve highway safety, reduce traffic congestion, and clean our air.

We hear much about global warming—much about global warming. This is the place to start. Pass a highway bill. Cut down on the traffic congestion, the traffic jams, and the long lines of cars. Cut down on the pollution that is filling the air while those cars sit and idle and the time bomb ticks away.

The programmatic reforms in the committee-reported bill that I have discussed here are very important. They will save time, they will save money, and they will save lives. Yet, because we have not begun consideration of the bill in this session, not one of these gains has become a reality. The single most important factor that will determine the timeliness of project delivery in 1998 will be the timely reauthorization of ISTEA —the 6-year highway reauthorization bill.

So the time bomb is out there. It is in that language that I read a moment ago from the law. The American people cannot afford to wait even 1 day past May 1 for the United States Congress to reauthorize ISTEA. The U.S. Senate has the time now to consider ISTEA, and that is what we should do.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 43 minutes remaining.

Mr. BYRD. I thank the Chair.

Let me close for now with a passage from the Book of Isaiah, 58th chapter and the 12th verse. And I read only from the King James version of the Bible. In all probability, that is the version that our forefathers brought over on the *Mayflower*—the King James version. Read these other versions, and they will say, ''In my father's House are many dwelling places.'' But the King James version says ''In my father's House are many mansions.'' Ah, how much more beautiful is that elegant language!

I read now from the King James version of the Bible, 58th chapter and the 12th verse.

And they that shall be of thee shall build the old waste places:
thou shalt raise up the foundations of many generations;
and thou shalt be called, The repairer of the breach,
The restorer of paths to dwell in.

Mr. President, I urge the majority leader to be the ''Repairer of the Breach'' by calling up ISTEA now, so that we may be one step closer towards enacting the provisions called for in S. 1173 that would help accelerate the delivery of vitally-important transportation projects to the American people.

Let me say again as I have said here before, I have been majority leader. I was majority leader during the years 1977, 1978, 1979, and 1980, and I was again the majority leader during the 100th Congress in 1987–1988. I know the pressures that are on any majority leader. I have felt them. I have walked in those same footprints that other majority leaders have tread on the sands of time. I know that it is very difficult, and many times impossible, to adhere to the wishes, to the pleas of those who implore, those who beseech, those who importune the majority leader to do this, to do that, to do something else. The majority leader cannot please everybody.

This is not a partisan bill. This is a nonpartisan bill. There is no partisanship in this bill. There is no partisanship in the amendment that I have offered with Senator Gramm, Senator Baucus, and Senator Warner as the

chief cosponsors. There are 54 Members of the Senate who are cosponsoring the Byrd-Gramm-Baucus-Warner amendment, and they are from both sides of the aisle. They are Republicans and Democrats, about evenly divided, I would say, among those names that are on that amendment.

There is no partisanship here. There is no partisanship in my urging the majority leader to call up ISTEA—no partisanship. I know he is under great pressure from some of the Senators on the Budget Committee, including, I am sure, the distinguished chairman, Mr. DOMENICI, a man who has one of the finest brains in this Senate. He does not want the ISTEA bill brought up, he and Mr. CHAFEE. Mr. CHAFEE has said so. So I am not saying anything behind their backs that I would not say anywhere. They prefer to wait until the budget resolution is called up.

Mr. President, the country needs a 6-year highway authorization bill, and the time is ticking. Failure to call it up will only undermine the very necessary progress that this bill is designed to make.

I believe that if the majority leader were left to his own pursuits—he has not told me this—he would call this bill up. But my good friend, Senator DOMENICI, is a very powerful Senator. He was here a moment ago. He will be back later today. And I am not saying anything to make him feel that I am taking any advantage of him. But if he would just leave it to the majority leader, I think we would get this bill up. That is my own opinion.

Mr. President, failure to take up the bill, as I say, will undermine the very necessary progress that that bill is trying to make, and it deprives me and other Senators from calling up amendments to that bill. Our transportation system, our people's safety, and the country's economy all await action by the Congress on the 6-year highway authorization bill. What are we waiting for? How long, Mr. President, how long will we have to wait? How long?

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 35 minutes remaining.

Mr. BYRD. How many minutes?

The PRESIDING OFFICER. Thirty-five minutes.

Mr. BYRD. I thank the Chair. I reserve that time until later in the day.

The PRESIDING OFFICER. The Senator has that right.

Mr. BYRD. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I also ask unanimous consent to be allowed to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. I thank the Chair.

THE LINCOLN LEGACY

Mr. GRAMS. Mr. President, I rise today, on the 189th anniversary of his birth, to pay tribute to an American of commonsense ways and uncommon character.

Let me read to you from the autobiography of Abraham Lincoln, which he penned in December of 1859.

> I was born February 12, 1809, in Hardin County, Kentucky. My parents were both born in Virginia, of undistinguished families. . .
>
> There was absolutely nothing to excite ambition for education. Of course, when I came of age I did not know much. Still somehow, I could read, write, and cipher to the Rule of Three; but that was all. I have not been to school since.
>
> The little advance I now have upon this store of education, I have picked up from time to time under the pressure of necessity.

Lincoln concluded his autobiography just four paragraphs later with these words: ''There is not much of it, for the reason, I suppose, that there is not much of me.''

That was in 1859, one year before the election that thrust Abraham Lincoln into the Presidency—before the Civil War broke out and helped crystallize all that he believed about his nation—before everything he believed about himself was tested.

Never again could Abraham Lincoln truthfully make the claim that ''there is not much of me.''

Mr. President, on the 150th anniversary of Lincoln's birth, poet and biographer Carl Sandburg traveled here to the Capitol in 1959 to address a joint session of both Houses of Congress.

The description he painted that day of the man born in Hardin County, Kentucky, was delivered in words far more eloquent than any I could offer up:

He said,

> Not often does a man arrive on earth who is both steel and velvet, who is as hard as rock and soft as drifting fog, who holds in his heart and mind the paradox of terrible storm and peace unspeakable and perfect. . .
>
> The people of many other countries take Lincoln now for their own. He belongs to them. He stands for decency, honest dealing, plain talk, and funny stories. . . Millions there are who take him as a personal treasure. He had something they would like to see spread everywhere over the world.
>
> Democracy? We cannot say exactly what it is, but he had it. In his blood and bones, he carried it. In the breath of his speeches and writings, it is there. Popular government? Republican institutions?
>
> Government where the people have the say-so, one way or another telling their elected leaders what they want? He had the idea. It is there in the lights and shadows of his personality, a mystery that can be lived but never fully spoken in words.

Mr. President, there are many American leaders I admire—for their convictions, their passion, and their pursuit of truth—but Abraham Lincoln towers above most all of them.

At a troubled moment in our nation's history, he gave a voice to the growing number of Americans who felt out of place with the politics of the time. America is a place of inclusion, they argued, not exclusion. A place of freedom, not of slavery. The United States must stay united, they said, not severed into disparate parts. Abraham Lincoln spoke for what America was meant to be when he spoke of inclusion, unity, and equality, and by the sheer force of his single-minded dedication, his voice kept the Union from splintering forever apart.

If any one man is responsible for preserving the nation during the Civil War, that man is Abraham Lincoln.

''Important principles may and must be inflexible,'' said President Lincoln in his last public address, delivered in Washington, and for that unflinching commitment, his detractors hated him.

Lincoln was unfit, they said, ''shattered, dazed, utterly foolish'' . . . ''a political coward'' . . . ''timid and arrogant.'' And those were the words of his fellow Republicans. Outside his party, they labeled him ''a mole-eyed monster with a soul of leather'' and ''the present turtle at the head of the government.''

But his simple words and powerful resolve endeared him to the people, who looked on him as ''Honest Abe,'' a straightforward and sympathetic leader. He was their president, but he was also one of them. So, it was a brutal shock to the country when he was shot to death just ten blocks from here, during an evening performance at FORD's Theater.

Mr. President, poised on the edge of the Reflecting Pool on the National Mall, overlooking Washington from its place of honor, rests a graceful tribute to our sixteenth president. Outside, the Lincoln Memorial possesses the lines of a classic Greek temple—inside, you will find the soul of an American patriot. Lincoln himself rises 19 feet toward the sky, sculpted in Georgia White marble, larger than life, his eyes forever focused forward. He cannot speak, but the walls speak for him. Etched into the stone around him are his words, and each time I visit I am struck by the visual marriage of man and message. One phrase in particular always makes me pause, a quotation from Abraham Lincoln's Second Inaugural Address, spoken just 28 days before his assassination:

> With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in.

We have come so far as a nation since those words were first spoken. More than one hundred years have passed since brother last took up arms against brother, and we are no longer divided by allegiance to a Confederate or Union flag. By heritage, we are black Americans, white Americans, Italian Americans, Polish Americans, Norwegian Americans—and united under the Constitution, we are simply Americans.

Abraham Lincoln did not live to finish the work he began, but the pursuit of liberty and inclusion he inspired in a nation has endured.

More than once in the million recorded words he left behind, Abraham Lincoln considered his death and the reputation that history would accord him. In keeping with everything else we know about the man, however, he sought not a legacy, but his place in humanity. ''Die when I may, I want it said of me that I plucked a weed and planted a flower wherever I thought a flower would grow.'' Mr. President, Abraham Lincoln plucked many weeds during his too-brief life, and sowed a great garden of humanity in their place. On the anniversary of his birth, we celebrate the towering truths we have reaped from his planting.

I thank the Chair. I yield the floor.

Mr. GREGG. Mr. President, I understand we are in morning business. I seek recognition.

The PRESIDING OFFICER. The Senator is correct. The Senator may speak up to 10 minutes.

ADDRESSING IRAQ IN CONTEXT

Mr. GREGG. Mr. President, we as a nation are obviously wrestling with the issue of how to address the events presently occurring in the Middle East, specifically as they relate to Iraq. The Congress has considered taking up a resolution, which has been passed around and reviewed by many of us, but for a variety of reasons it does not appear that we are going to take such a resolution up during this week, and since we are adjourning, we will not be taking it up next week either. So I did want to make a few comments on this issue, because it is clearly the question of most significance that faces our country at this time.

I do not believe that we can address the question of how we deal with a dictator such as Saddam Hussein in isolation. We have to look at the question in the context of the other nations which surround Iraq and in the context of the history which has led us to this point. This is especially true when we deal with Iraq—or any nation in that region of the world—because the history of that region is so convoluted and involves so many crosscurrents, it being, quite literally, the crossing point of thousands of years, of generations of individuals, of numerous cultures both East and West, Bagdad specifically being the center, for literally centuries, of commerce from the east to the west and from the north to the south. As a result, it was a place where many cultures merged.

Therefore, when we as a nation, a new nation in the context of dealing with the Middle East, set ourselves down in the center of that part of the world, I think we have to be aware of the variety of forces which come to bear as a result of the historical events and prejudices and attitudes and cultures and religions that confront us there. I am not sure that we have been, really, in dealing with this issue.

For example, let's begin at the outer reaches of the question from a territorial or geographic perception. Let's look at Russia. Clearly our capacity to deal with Iraq requires our capacity to encourage support amongst other nations for our position. We have had fairly limited success in that. In fact, you might almost call this administration's approach to alliance relative to Iraq as the English-speaking approach, because, as far as I can tell, it appears to be only English-speaking countries who are supporting this administration's present policies in an open manner.

There are a few of the gulf states that have supported us, which is something we should not underestimate. But as a practical matter, I have noted with a great deal of sadness, actually, that the White House was taking great pride in the fact that yesterday it had been joined by Australia in support of its position. That's what they were heralding. We greatly appreciate Australia's support and admire them as a nation. But I think we also recognize that in the issue of the Middle East, it is not Australia that is important; it is nations such as Russia and our former Arab allies. I say former Arab allies because it appears that that is no longer the case—such as Saudi Arabia and Egypt, who are critical, and Turkey.

But in the area of Russia, for example, this administration appears to think that they can go to the Soviets—to Russia, my mistake—and demand that Russia follow our policies in Iraq and insist on their support on Iraq, but at the same time this administration proposes an expansion of NATO. You have to recognize, if you were a Russian leader, you would find a certain irony in a request that was coupled in that terminology. Because, of course, an expansion of NATO, especially to Poland, is an expression that can only be viewed in Russia with some concern and possibly viewed by some as an outright threat.

NATO expansion is represented to us here in the United States as simply: Well, let's ask these three nice nations in Eastern Europe to join us in our alliance. But, of course, NATO is a security issue. It is an alliance made for the purposes of defending nations from threat, military threat. It is not an economic group, as everybody has noted for many years. As a practical matter, the capacity to expand NATO means that you are essentially saying to these nations that they are joining, for the purposes of their own national security, against some threat. What is the threat in Eastern Europe? Of course, the threat in Eastern Europe has always been either Russia or Germany. Since Germany is a member of NATO and is not a threat, clearly an expansion of NATO is addressing the threat from Russia. Therefore, when we ask Poland especially to join us in NATO, we are saying to Poland that we are giving you security against Russia, and clearly we are implying, certainly indirectly if not directly, that Russia may be the threat.

So you can understand that Russia might view a push to expand NATO at the same time as we are asking them to support us in Iraq as being inconsistent and a bit ironic. And it reflects, unfortunately, I think, this administration's failure to understand the linkage—and linkage is the right term—between working with a nation like Russia and our capacity to do things in the Middle East and moving forward with the NATO expansion at the exact same time. Yet, if you were to listen to the leadership of this administration, they will tell you that there is no relationship, they have no overlap on those two issues. Of course that is not true, and that is one of the reasons we are having problems with Russia.

It is equally a reason that we are having problems with our former Arab allies. Just yesterday or the day before yesterday—I lose track of the calendar here when we go to Egypt—but the Arab League met in Cairo, and they endorsed the French and Russian proposal, which was essentially a restatement, to a marginal degree, of the Iraqi proposal, as a league. The Arab League endorsed that as a league. Why would they do that? Because the Arab League essentially is dominated by Egypt, which has been our ally and which certainly, in many ways, is a friend of our Nation. I am a great admirer of the Egyptian people. They have certainly worked hard as a nation to try to bring about a constructive result, or progress in the Middle East in their relationship to Israel ever since President Sadat and through the present leadership in Egypt.

You wonder why the Arab League would openly endorse the French and Russian program? Essentially, they do it because of the situation that presently exists in Israel and Palestine, the fact that the peace process is, for all intents and purposes, dead. Yet, if you were again to listen to this administration, as the Senator in the chair has pointed out in a number of conferences that we have had, this administration's attitude is that there is no relationship between the peace process in Israel and Palestine and the question of Iraq. Of course, there is. They are intimately related. In fact, if we were able to make progress or to get back on line the process of peace between Israel and Palestine, we would probably relieve dramatically the tension in that part of the world and it would inevitably lead to having support from Egypt and Saudi Arabia, the key allies, on the issue of how we address Iraq.

So the failure of this administration to understand, again, the linkage between those two issues is a failure of fundamental proportions in their capacity to address the Iraq issue.

The third area that this also reflects is the issue of Turkey. Turkey is not

discussed a great deal in our Nation and it should be discussed more because Turkey is a unique and special nation in relationship to ourselves. Throughout the cold war, Turkey was essentially the front line. It was a nation which did not really ask for much, yet gave us its alliance and its assistance. We have truly, as a nation, and this administration, as an administration, has truly treated Turkey poorly. This goes to the issue of Cyprus and it goes to the issue of Greece. Yet if you were to ask this administration, what is the relationship between the Turkish-Greek issue and the Cyprus issue and the capacity to deal with Saddam Hussein, they would say that there is none, that there is no relationship there. That is maybe why they have abandoned the effort to bring to resolution that very critical issue of international importance. Yet we find today that Turkey, again, is hesitant to allow us to use its bases in order to address the Iraq issue.

So, three major elements of the capacity to address the Iraq issue in a coordinated and effective way are tied to a variety of different historical and geographic and national and international confrontations, which this administration either, No. 1, doesn't appreciate or, No. 2, is actively ignoring. As a result, our capacity as a country to unite a coalition which can effectively address Saddam Hussein has been undermined.

Mr. President, I ask unanimous consent for an additional 10 minutes?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Most critical, of course, to this is the issue of how we deal with Iran and the fact that, once again, this administration has failed to reflect effectively on the policy dealing with that nation. Iran, as we recognize, has been dominated by a fundamentalist leadership which has viewed its purpose as promoting an aggressive religious philosophy internationally. It has viewed the United States as its enemy in this undertaking. But this fundamentalism cannot survive forever. It is much like when we confronted the Communist leadership after World War II and President Truman and President Eisenhower recognized that, through the process of constructive containment, we would be able to bring down that system of government because it would fall of its own weight because at some point, after a certain period of years, the fundamental flaws of that system and that philosophy would simply undermine it and decay it from within. And that is true also of the fundamentalist movement in Iran.

The Muslim religion is an extremely powerful and great religion, and it is a religion that is based on some very wonderful precepts. But the fundamentalism that captured a certain element of the Muslim believers is, as it is practiced in Iran, inherently self-destructive. If we are able to contain Iran but at the same time encourage within Iran the more moderate elements, we will, over a period of time, see, I believe, a collapse of the fundamentalist energy from within and a rising of a state which will be responsible. But this administration has passed over a series of opportunities to promote that option, which has been unfortunate.

If you are going to contain Iraq, then you must understand that in the process of containing Iraq, you must neutralize Iran as a threat to the region. Because if you were to eliminate Iraq as a force within their region, you would create a vacuum into which a fundamentalist Iran would step and be a threat to its neighbors of even greater proportions—greater proportions—than Iraq is. So, reflecting adequately on how we deal with Iran, and approaching Iran as part of the solution to how we deal with Iraq, is critical, critical to the capacity to take on the Iraqi issue. Yet this administration, in my opinion, has once again left the ball on the side of the field when it comes to understanding or pursuing that course of action.

So, where does that leave us? Unfortunately, where it leaves us is with a 19th century dictator who has 20th century weapons of mass destruction, in Saddam Hussein, an individual who lives by a code which is horrific to the sensibilities of a civilized world. It is a code that follows in the course of people like Adolph Hitler and Mussolini and others, who sought to promote themselves in the name of some cause which was really just superficial to their own megalomania.

But our capacity to address Hussein and to be able to deal with the situation in Iraq is fundamentally undermined by our inability, one, to focus on the situation with an international alliance and, two, to have the capacity, because we do not have an international alliance, to take action which will end up being definitive.

So we find ourselves with this administration stating that we are building up an arms capability to make an attack on Iraq without an alliance supporting it with a stated objective that nobody understands, because Secretary Cohen has said that a military attack will not replace Saddam Hussein, and the President said it is not our goal to replace Saddam Hussein. Secretary Cohen has stated that a military attack will not eliminate the weapons of mass destruction, and we know that to be the case. So what is the result of the military attack?

There is no clear understanding as to what it is. It will not be that Saddam Hussein is replaced. It will not be that the weapons of mass destruction are eliminated. It will not be that the alliance we had in the gulf war of 1991 are being reinstated. I have no idea what the conclusion of a military attack would be.

I think the unintended consequences of it will be dramatic. Some may be positive. We may successfully eliminate some weaponry that might otherwise be used against our neighbors. Some may be horrific. We may find that Saddam Hussein uses his weaponry in some other theater or some other place. It may even be here in the United States. But those are unintended consequences, because there appears to be no intended consequences.

Literally, there are no intended consequences. If the intended consequence is not to replace him and the intended consequence is not to destroy the weapons, what is the intended consequence of military action? I don't know what it is. Therefore, before we go forward with a resolution in this body—and I understand that we are not going to do that this week—before we go forward with a resolution in this body, I believe we have to bring some definition to the purpose of the process.

I believe, first, we have to recognize and we have to retouch our allies and our friends and people who should be our allies and our friends. We have to go back to Russia and understand their concerns. We have to go back to Turkey and understand their concerns. We have to go back to Egypt and understand their concerns. We have to go to Israel and talk about the need to get the peace process started again and to return to the concepts of Rabin as versus the concepts of Netanyahu.

More important, we, as a nation, have to know what is our purpose and what is our goal.

I believe our purpose and goal should be, first, to create a united approach on this to bring into the effort an alliance which is broader and more substantive than what we presently have, something more than an English-speaking alliance.

Second, it must be to remove Saddam Hussein and his government. We should have as our stated goal and purpose of any military action that we intend to have a democratic government in Iraq.

And, third, it should be that the weapons of mass destruction are destroyed; not that they will survive, but that they are destroyed.

These should be our goals, and I hope as we move down the road to considering the issue of what we do in Iraq and before we move forward with military action that we at least get some clarity of the process, hopefully along the lines I stated.

I appreciate the patience of the Chair, and I especially appreciate the patience of the Senator from Iowa.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEN STEPS TO FIGHTING DRUGS

Mr. GRASSLEY. Mr. President, as I have noted on earlier occasions, this country continues to face a major drug

problem. It is a problem that affects us all. No community escapes the consequences of drug use. Our streets and neighborhoods are made dangerous and unwelcoming by those who peddle illegal drugs. Our places of work are not drug free. Today, we live in a country where even our schools are not safe havens from the ravages of drugs.

In just a few days, the Administration will release its newest drug strategy. It will be welcome, even though it is two weeks late. I look forward to it, even as the Administration undertakes efforts to do away with an annual drug strategy. The budget for drugs will be increased. That, too, is welcome. But we need to remind ourselves that despite steady increases in our counter-drug spending, we have seen increases in drug use by kids.

This is a fact that the Administration has tried to sugar coat. It has tried to disguise the fact that drug use among kids has steadily increased throughout its tenure. Despite recent efforts by the Administration to paint over this fact with rhetoric, the facts remain.

We cannot fight drug use among our kids by being less than honest. We should not even try. But there is another lesson in our current and growing problem. I believe that the Administration has not done as much as it ought to do. I believe it has left undone much that it should do. But, our drug problem is a national concern that must go beyond what government can do. We must remind ourselves that this is a problem that we must all confront. Parents, community and religious leaders, the business community, local politicians, the media, Hollywood, and our opinion leaders must come together. We need more than just money. We need commitment. We need more than rhetoric.

Every day more of our kids start using illegal drugs. We need to roll up our sleeves and get to work.

For these reasons, I am today presenting a ten-point program to fight back. This is my agenda to try to get our counter-drug efforts back on the front burner. We need to better define the problem, and we need to be doing more. As Chairman of the International Narcotics Control Caucus, I will work to push a more visible and effective national counter-drug effort.

The first item on my agenda is to continue work to strengthen local community counter-drug problems. Last year, I sponsored legislation in the Senate, later signed into law, that provides funding to local community counter-drug coalitions. I will continue my efforts to ensure that this legislation is fully, speedily, and responsibly implemented.

Second, I will continue to work on implementing a statewide coalition effort in Iowa that I began last year. The aim of this effort is to help create a framework to complement state and local efforts to combat illegal drugs in communities across Iowa. Working with such national organizations as Community Anti-Drug Coalitions of America, we are engaged in a project that can become a template for other states. The coalition will foster input and guidance from a non-political steering committee and six task forces. These include members from Iowa business and union leaders, the education community, religious leaders, and representatives from law enforcement. They also involve contributions from the media, doctors, and community anti-drug groups.

Third, I will be calling upon our national business leaders and advertisers to renew their commitment to drug-free advertising. We have seen in recent years a decline in this commitment. That decline lead to the use of public money to pay for advertizing.

But more to the point, I am concerned about what it says about the declining commitment of our business community to support a national effort to fight drug use. This is especially true given the problems that drug use creates in the workplace.

Fourth, I will be seeking more resources for communities across the country to deal with an emerging drug problem. This is the double whammy of methamphetamine. Communities in the West and Middle West face not only growing meth use problems. They also face a new trend: Mexican criminal organizations are increasingly building meth labs in our communities and rural areas. Meth is being funneled into Iowa by these organizations. Labs are also increasingly being discovered. These create an environmental hazard that is often beyond the resources of local police or fire organizations to deal with. Last year, I co-sponsored an effort to increase funding to these communities for meth lab clean up. I will expand that effort to ensure sustainable funding to help local communities.

Fifth, I will continue to press the Administration for a comprehensive drug strategy. One of the major deficits in our current effort is not a lack of funding but a lack of focus. I propose to deal with that through greater oversight of our national efforts. In particular, I will push for a more comprehensive southern tier approach. Too often, our efforts to control access to our southern border have been piecemeal and fragmented. The forthcoming national drug strategy will perpetuate that imbalance.

While we build a dyke in one area, the traffickers open a hole someplace else. We need a more focused effort that brings resources to bear consistently. We also need to ensure that our major drug control agencies receive adequate resources that implement consistent, well-conceived and integrated plans.

As part of this effort, I will pursue more vigorous oversight of our counter-drug programs.

I will do this through insisting that we maintain a strong commitment to the annual certification process on international drug control. I will continue efforts to investigate specific programs and activities to ensure that our efforts are on track and producing results. I will also seek to ensure that our efforts to protect the integrity of our law enforcement activities is a priority.

I will also pursue legislation that will provide greater authority to our law enforcement community to break the link between drug trafficking and alien smuggling. Many of our local communities find that drugs are introduced or produced by illegal aliens. I have supported increased resources to both U.S. Customs and the INS. I will continue my personal efforts to ensure adequate resources and focus at our borders and in our local communities.

As the eighth point in my agenda, I will pursue tougher penalties for those who traffic and sell drugs. In particular, I will seek enhanced penalties for trafficking or selling near our schools and for peddling drugs to minors.

As an integral part of this effort, I will also seek to toughen, not weaken, cocaine sentencing guidelines. I believe it sends an entirely wrong signal to lessen mandatory minimum sentences for those who traffick in crack cocaine. The Administration is proposing to weaken sentencing at a time when drug use is increasing. It is typical of the disconnect between the rhetoric we hear and the reality we see. Like the Administration, I will support efforts to bring powder cocaine sentencing into line with crack cocaine. But I will seek to do this by supporting Senator Abraham's efforts to enhance the sentences for trafficking powder cocaine, not by weakening our efforts.

Finally, as part of my action plan, I will continue to work to strengthen our ability to deal with money laundering and organized criminal activities. The drugs that reach our streets and target our kids do not get there by accident. They are directed there by well-organized, international criminal gangs. Their purpose is to make money at the expense of our kids. I will work to pass legislation that I introduced last year to go after the profits of these drug thugs. I will also continue to press the Administration to develop comprehensive legislation to go after international criminals wherever they may hide.

This agenda is my personal commitment to do what one Senator can do to deal with this nation's drug problem. I will pursue this agenda as Chairman of the Drug Caucus. In the coming days and weeks, I will be introducing specific legislation to deal with many of the things I have talked about today. I will be coming to my colleagues for support. I will be expecting the Administration to live up to its obligations.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, is there an order?

The PRESIDING OFFICER. The Senator is recognized for 10 minutes in morning business.

Mrs. HUTCHISON. Thank you, Mr. President.

25TH ANNIVERSARY OF THE RETURN OF AMERICAN POWS FROM VIETNAM

Mrs. HUTCHISON. Mr. President, I rise today to pay tribute to my Congressman. The House of Representatives is paying tribute today to our Vietnam prisoners of war. It was 25 years ago this month that those brave men began returning home to America.

Among those heroes was SAM JOHNSON. SAM was a prisoner 6 years 10 months 18 days and 23 hours, which he can tell you to this day.

All of us who know SAM know he is a fighter. He was called ''diehard'' by his North Vietnamese captors.

SAM was one of 11 prisoners whose total defiance to prison authority resulted in banishment to a high security prison that was dubbed ''Alcatraz.'' The prisoners were placed in tiny cubicles in an earthen-walled facility that was dug out of the center courtyard of the North Vietnam Ministry of Defense in downtown Hanoi. SAM and the other 10 wore leg irons and suffered from severe malnutrition.

SAM's defiance continued to the end, until February 13, 1973, when SAM boarded a plane at Gia Lam Airport to return home.

Our Nation recognized SAM JOHNSON's contributions by making him one of the most highly decorated aviators of his era. During SAM's military career, he was awarded two Silver Stars, two Legions of Merit, the Distinguished Flying Cross, one Bronze Star with Valor, two Purple Hearts, four Air Medals, and three Outstanding Unit awards.

Mr. President, I would like to note also that here in the Senate there are many heroes from among us from World War II, the Korean war and the war in Vietnam.

Today, 25 years after the POWs in Vietnam began to come home, it is also appropriate to recall the sacrifice made by our own colleague, my good friend, JOHN MCCAIN. JOHN returned from Vietnam after his own capture and imprisonment 25 years ago next month.

Patriots like Senator JOHN MCCAIN and Congressman SAM JOHNSON remind us of what makes America great—honor, courage, and duty. They enrich the Congress and remind us every day of the important responsibility we have as stewards of the young men and women in our armed forces. As we prepare for a possible conflict in Iraq, I have no higher priority than that those troops will get everything they need to do the job if they are sent.

As Americans we have many things for which to be thankful. But perhaps we should be most thankful for the brave Americans throughout our history who have fought the wars to keep America free. It is their sacrifice that has preserved democracy. It is their sense of patriotism and duty that Americans must always embrace if we are to remain free. Commemorating this 25th anniversary is one way that we will make sure that Americans do not forget the sacrifices that have been made for us to be able to stand here in this Senate Chamber and speak on an unfettered basis and openly and freely.

I want to say that I am proud that SAM JOHNSON is my Congressman. I also want to pay tribute to his wife, Shirley. Shirley and SAM are friends of Ray's and mine, and have been for years.

But Shirley is a hero, too. Sometimes we do not talk about those who were left home for 6 years to raise the children, to give them the hope and strength and love that both parents would normally give. It is to the Shirley Johnsons, also, that we owe a great debt of gratitude, because she was there never giving up, making sure that America never forgot that some were missing and some were imprisoned. She, too, should be commended today on this 25th anniversary.

I am honored to serve with SAM JOHNSON and Senator JOHN MCCAIN. As we honor them, we make sure that those who came home know how much we appreciate them. And, most of all, we remember those who did not come home.

Thank you, Mr. President.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Under the previous order, the Senator from Alaska is recognized to speak for up to 20 minutes.

Mr. MURKOWSKI. I thank the Chair and wish the President a good morning.

(The remarks of Mr. MURKOWSKI pertaining to the submission of S. Con. Res. 76 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.)

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Texas.

Mr. GRAMM. I believe I reserved a block of time.

The PRESIDING OFFICER. The Senator has 30 minutes.

Mr. GRAMM. Let me say to my dear colleague I will not take all of that time.

HAPPY ANNIVERSARY, SAM JOHNSON

Mr. GRAMM. Mr. President, I come to the floor today to speak on on two topics. The first is that our dear friend and colleague, Congressman SAM JOHNSON, one of America's great warriors and one of America's great individuals, came home from Hanoi 25 years ago today, having been held as a prisoner of war for almost 7 years.

SAM grew up in Dallas. He graduated from Southern Methodist University. He went into the Air Force. He became one of the great pilots in the postwar period. He commanded the Top Gun school. He was a Thunderbird.

In fact, Senator MCCAIN loves to tell the story about the time when he and SAM were campaigning together in Texas—as all of you know, Senator MCCAIN was a great aviator in his own right and a great warrior and a real American hero—and he loves to tell the story when he and SAM were on a plane riding in the back and they came in pretty fast, and SAM calmly turned to Senator MCCAIN and said, ''We're going to run off the runway.'' Senator MCCAIN said, ''What makes you think so?'' just as they hit the railing and went off the runway.

The point being that SAM JOHNSON was a great aviator. He was flying a mission over North Vietnam. He was shot down. He was taken to prison in Hanoi. The North Vietnamese correctly concluded that he was a diehard and a recalcitrant, so they put him in solitary confinement year after year, basically a dugout, a little dungeon.

After 7 years in prison, enduring almost unbelievable hardship, he came home 25 years ago.

Now, the remarkable thing about all this is not all the medals that SAM JOHNSON won. We honor those and we should. It is not really the hardship that he endured, though I doubt many of us would be capable of doing it. But what is remarkable to me is that after 7 years in a dungeon in Hanoi, SAM JOHNSON came home and started his life again. He never complained about the 7 years he lost. You never see him that he doesn't have a smile on his face. He is a sweet, gentle, loving man. It is remarkable to me that somebody could go through 7 years of that kind of hardship—hunger, exhaustion, fear, physical and mental abuse—and yet come back home and be all the things that SAM JOHNSON is.

I wanted, on this 25th anniversary of the day that he came home to America, to stand on the floor of the Senate today and say to our colleague, Congressman SAM JOHNSON, that we are proud of him and that we are proud to associate with him. For most of us, the highest credential we are ever going to have other than being members of our family and being associated with our kinfolks is that we served in Congress. Many of us get whatever stature we might have from the position we hold, a position that was given to us in trust by the voter. But SAM JOHNSON is one of those rare people who brought stature to Congress with him when he came. He is a wonderful man. I love SAM JOHNSON.

I think in an era where there are a lot of people who kind of think politicians don't represent the best that America has to offer, that somehow politicians aren't exactly the kind of people you want your children to grow up to be, I ask them to look at Congressman SAM JOHNSON. He is the kind

of person I want my sons to grow up to be.

On this very special day for him, 25 years ago coming home to America, being set free in Hanoi, I wanted to congratulate SAM and thank him not just for the service he provided during 29 years in the Air Force, not just for 7 years in a dungeon in North Vietnam, but I want to thank him for the service he is providing for America today. We appreciate that. I am very proud to have him as one of my Congressman representing me and my State. I am also proud to have him as a friend.

Mr. ALLARD. Will the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. ALLARD. My wife, Joan, and I are pleased to recognize that both Shirley and SAM are very close friends of ours. I had come to the floor to speak on another matter but I feel so fortunate to have been here at the time you are making these comments.

You are right on the mark. He is a tremendous individual. He suffered in a way that many of us cannot imagine. Both Joan and I are so enthralled with his positive attitude—both Shirley and SAM—that it makes him stand out as a remarkable individual, remarkable Americans.

I second your comments.

Mr. GRAMM. I thank my dear colleague from Colorado for adding to my comments.

THE HIGHWAY BILL

Mr. GRAMM. Mr. President, let me turn to my final subject today. As all Members of the Senate know, Senator BYRD and I have embarked on what for us is a crusade. It is a crusade to try to force the Federal Government to live up to the commitment that it makes to Americans when they go to the gas pump and fill up their car or truck and pay about a third of the cost of a gallon of gasoline in taxes, and they are told the taxes are being used to build roads, that this is a user fee tax where the money is dedicated to road construction.

As those of us who serve in Congress, as those who follow these matters very closely know, that commitment is not being fulfilled. Between 25 and 30 cents out of every dollar of gasoline tax that is paid by American motorists goes not for transportation needs, not to new roads, but instead is spent on everything but highway construction. This is a diversion of funds that violates the commitment that we have made to American taxpayers. At a time when many Americans this morning got up and drove to work and waited in what seemed to be endless lines of congestion, when people drove over potholes that were dangerous and, in some cases, caused damage to their car, and when people endured unsafe conditions. There are 31,000 miles of road in my State that are substandard. We have thousands of bridges that are structurally unsound. I think people are rightly outraged when they discover that over 25 cents out of every dollar they paid in gasoline taxes, which they thought was going to highway construction, is in fact being spent on other things in Government.

Senator BYRD and I now have 54 cosponsors on our bill, with the objective of trying to force the Government to live up to the commitment it makes to the American people and require that when money is collected in gasoline taxes for the purpose of building roads, that that money actually be spent for that purpose.

Now, many of the things that we work on here have an effect, but after a long period of time, from the time that the actual work is done, and often especially when you are working on big issues that affect economic growth and inflation, it's hard to sort of pinpoint the positive impact on it. But if we can bring up the new highway bill and pass the Byrd-Gramm amendment, on May 2 States across America will get roughly a 25 percent increase in the amount of money that is available to fill up these potholes, to build new roads, to modernize the existing system, to reduce the delays and traffic jams and hazards that we all face on the road every day, and do it by taking the money away from all the programs that never should have gotten the highway money to begin with and spending the money for the purpose that it is being collected.

Senator BYRD and I, all week, have reminded our colleagues that we are running out of time. The highway bill expires on May 1. And all over America today, States are beginning to cancel contracts. Michigan canceled a major contract yesterday. We are having employees notified by highway builders that they are going to be laid off as of the 1st of May when this highway bill expires. Senator BYRD and I want to move on with this issue, bring it up. If people want to vote no, if they want to continue to take highway trust fund money collected in gasoline taxes, where we tell people the money is being spent for roads but where we spend it on something else, if people want to vote to continue that diversion, they have the right to vote for that. But 54 Members of the Senate have already said that they want to change it.

So I urge our leadership to bring up this bill and give us an opportunity to let the Senate work its will. It is very important that we not let the highway bill expire. It is very important that we get on with highway construction, which the country desperately needs. I also believe it is important, especially in this era of cynicism about Government that when we tell people that money is being collected in gasoline taxes, to go into a highway trust fund to be spent on roads, that that money be spent on roads, that it not be spent on other things. Fundamentally, that is what this issue is about.

So I am hopeful that in the week when we come back—we are going on recess, perhaps tonight, and we will be back a week from this coming Monday—that we are going to be able to bring up the highway bill and let people decide where they stand on this issue.

And let me, as a final point, say that the Byrd-Gramm amendment does not bust the budget. The Byrd-Gramm amendment does not raise the spending caps. But what it does do is say that all these other programs that have been beneficiaries from the piracy that has occurred in the highway trust fund are going to have to give up that money so that it can be spent on roads.

Now, I know some of our colleagues have said: Great, if you spend this money on roads, we were planning to spend it otherwise. I have likened their attitude to a cattle rustler who steals your cattle and you come out and you arrest him and you catch him redhanded stealing your cattle, and his only response is, ''OK, so you make me stop stealing your cattle, but where am I going to get my beef?'' Well, that's not my problem. What we are talking about is doing what we tell people we are doing. So I'm not saying the programs that have pirated the trust fund aren't, in some cases, worthy. In some cases they are not worthy, but in other cases they are very worthy.

The point is that we collected the money to build roads, not to pay dues to the U.N.; we didn't collect money to pay for Legal Services Corporation; we didn't collect the money to use in welfare; we collected the money for the purpose of building roads. That's the purpose to which the money should be put and only that purpose.

Mr. President, I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, it is my understanding that I have 20 minutes of time set aside.

The PRESIDING OFFICER. That is correct.

The Senator from Colorado is recognized.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 1636 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. ALLARD. Mr. President, I yield the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, at 12:30 p.m. today Senator MOYNIHAN and I wish to make some remarks on the floor. I ask unanimous consent that at 12:30 I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ABRAHAM LINCOLN

Mr. DURBIN. Mr. President, no Senator from the State of Illinois could rise on February 12 without noting the birth date of Abraham Lincoln. Abraham Lincoln never served in the Senate, although he did serve in the U.S. House of Representatives. One of his most famous political experiences was in 1858 when he ran against Stephen Douglas for the Senate seat which I am honored to occupy. Lincoln lost that election. Of course, following the course of the lengthy debates with Douglas, which became part of the legend of American politics and an important part of our history, by 1860 Lincoln was elected President. And we all know his leadership was so critical in one of our Nation's greatest hours.

We in Illinois dote on Abraham Lincoln. We have his name on license plates. In my hometown, we are consumed with the Lincoln legend and with all that he has given to the State and to the Nation. I hope that those who are witnessing the events in this Chamber today will reflect for a moment on this great man and the great legacy he left to the United States. Lincoln was known very well for his leadership at the time the Nation was in great peril with the Civil War. He did so many things with vision, and I think it is a perfect lead in to my reason for standing before the Senate today. I hope those of us who are in successor generations to Abraham Lincoln can rise to the challenges and can show the same type of vision and leadership on the challenges now facing Americans across the country.

QUALITY CHILD CARE IN AMERICA

Mr. DURBIN. Mr. President, I just left a meeting, partisan meeting, Democrats, Senators and Congressmen, with the President and Vice President where we discussed our agenda for this year. At the end of the meeting, President Clinton said that he hoped we could reach across the aisle to the Republican side and find common ground, concede honest differences of opinion but move forward on an agenda which is critically important to all of America's population and families.

I know it is ambitious to think that in a year with an abbreviated schedule we will achieve even a majority of the ideas that were propounded at this meeting or that the Democrats stand for—for that matter, that the Republicans stand for—but we would be remiss if we didn't try. I think we were all sent here to use our best efforts to find common ground and to resolve those difficulties that ordinary Americans face.

One of them I have taken a special interest in and over the last month or so have really focused on in the State of Illinois is the issue of child care. I have visited 16 or 18 child care centers in my State from far south in Cairo, as we pronounce it, to Chicago and across the length and breadth of a very diverse State, my home State of Illinois.

What I find in child care for working families in Illinois is extraordinary diversity. Just about every community in which you stop has a little different approach. It seems that some are blessed with the support of larger institutions. Maybe the most modern, up-to-date and impressive facility was at a U.S. Air Force base, Scott Air Force Base near Belleville, IL. But, of course, the Federal Government has made a rather substantial investment so that the children of the men and women who are working on that base have the very best in child care. I then went as well to the Belleville Community College and saw where the community college made the same type of commitment. It makes a difference. You can just feel it in terms of what is being offered.

That is not to diminish the efforts being made in a lot of different settings. When I would go down to Marion, IL, into the back of a church and find a very small and crowded room with the happiest kids I have ever run into, being supervised by a lady who is probably close to 60 years of age but who truly is devoted to these children, it tells you that what is part of the success of child care in America has to do more with the people involved in it than any Government program or any structure or building or any bricks or mortar.

But having said that, I came away from this tour sensitized to the fact that this is a real issue. So many people in America look at the Senate and the House of Representatives and wonder what newspapers we are reading, what people we are talking to, as we are consumed with issues that seem totally irrelevant.

Now, some of those issues are truly important, but for the average working family their concerns are much more down to earth. I have yet to meet a working mother or a working family with small children where I don't find a genuine concern about day care. My wife and I raised three kids, and we were fortunate; my wife was able to stay home until the kids were all off to kindergarten at least. And I think that was the very best that we could give to them. I look back on it as something that really made a positive impression, a positive difference in their life, and yet we know today that so many parents cannot make that choice, that both parents have to work or if it is a single parent that there is just no alternative but to turn the children over to a care giver during the day. And we also know that care giving in day care is occurring at a critical moment in that child's development. Seventy-five percent of the human brain is developed in the first 18 months on Earth. Most of the day care centers I visited would not accept a child until they had reached the age of 2 or until they were out of diapers. And so for the first 2 years of critical brain development in these children it was a gamble. Was there someone nearby that could be counted on, a neighbor or relative, perhaps some other setting where the child would get honest, good, safe care?

What the President has proposed in his State of the Union Address and I hope that Democrats and Republicans can debate is what we can do to help working families provide for quality child care. I honestly believe that the investment in early childhood development is the best investment this Nation can make. You often wonder how a child born in ordinary or even poor circumstances has much of a chance. They usually have a chance if they have loving parents with the skills and the time and the resources to make their living meaningful. I came from a family of modest means but, thank goodness, had a mother and father who cared, and I think that is why I am standing here today.

But for a lot of kids that option is strained because a lot of parents do not have resources, and as a consequence they look around in the system and find precious few alternatives. First, most child care is expensive. It is expensive for families that are trying to get by and trying to pay the bills.

What the President has suggested is that we, through money raised in the tobacco bill, send those revenues back to States to make available to working families. So that those families that are out struggling, trying to get by will have a helping hand from the Government to pay for child care. I think that is money well spent, and there is no two ways about it.

Secondly, we have to ask who will work in these child care centers. It is a fact of life that most of the people working there receive precious more than the minimum wage, and they look for alternatives. The turnover rate nationally is 40 percent and in some communities even higher each year as child care workers move on to another job.

In Illinois, we demand of these workers 2 years of college education and then give them a minimum wage. High school dropouts are paid a minimum wage. These students who stayed in school and worked hard to pass the courses are basically being asked to work for the same. Then, of course, we know that businesses that invest in child care really do bond with their employees. Employees value this as one of the most important benefits of work.

So the President has said not only money to help families pay for child

care, also some resources to make certain we can help the students who want to get the education, qualify to be child care assistants but encouragement as well in the Tax Code to businesses to set up child care centers.

Each day, three out of five children under the age of 6 in America including almost half of the babies and toddlers spend some or all of their day being cared for by someone other than their parents. In my home State, we estimate about 600,000 children each day under the age of 6 are in child care. The cost—$4,000 to $10,000 a year. Think about a person struggling by on a low-wage job and facing $4,000—$80 a week—that has to be out of pocket and paid for child care.

In our agenda, the Democratic agenda, we set out to change this, to try to make certain that working families are given a helping hand.

I have tried to reflect about the course of history when it comes to caring for children in America. We all remember child labor laws and things that have been done to help kids, but in the 19th century we made the most significant decision when we said in America that we would embark on creating a system of public education so that if you happened to be a child from a family of modest means you still had a fighting chance. America cared and America made a commitment through the State and local units of Government to make certain that public education would be there starting at the age of 6 and it was a sensible commitment, not only for the good of the child but the good of the Nation.

Here today as we embark on the 21st century we know so much more. We know that by the age of 6 many children have gone through important formative years, many children have been trained, for good or bad, and that that training is going to be part of that child for years to come.

So what more can we do? What more should we do? We have created a Head Start program which is designed to give these kids, at least those from 3 to 5, a chance to have a structured, positive learning environment. It is a very good program and one that needs to be funded at higher levels. But now we know even more is needed. Are we ready in this Chamber, Democrats and Republicans alike, to really engage in a national debate about whether the model for the 19th century of public education is adequate for the 21st century for America?

Most educators, if they give you an honest appraisal, will say, if they were given the option of one additional year of mandatory education, they would not put it after high school, they would put it before kindergarten. Bring the children in earlier.

Talk to teachers, if you will, who are in classrooms every day. They can identify kids who come from a good family and home, where one parent stayed home to help raise the child or they went through some good child care and received the right training, and they can identify those kids who did not. Some of them fall behind, never to catch up. So one of the things we are striving for this year is to follow the President's lead and make sure we make a commitment here in the Senate and the House of Representatives to help these families.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is now recognized.

Mr. DURBIN. Mr. President, if I might ask unanimous consent to have 5 additional minutes?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I thank the Senator from West Virginia for yielding this time.

Crucial to this question of providing help for child care is providing the revenue. I find it curious that a year ago, in my first year in the Senate, if you would have come to this Chamber about this time, you would have seen Senator ORRIN HATCH, our colleague from Utah, standing at that desk with a stack of budget books almost up over his head, saying this is the legacy of deficits, these are the unbalanced budgets that we cannot come to grips with, and arguing for the passage of a new constitutional amendment to force us to come to balance in our budget. That was a year ago. That amendment did not pass.

A year later, where are we? We are at a point where the Congressional Budget Office gave us their forecast yesterday that, indeed, we would balance the budget. We have reached the point where the budget is in balance. Ironically, instead of talking about a constitutional amendment to force a balanced budget, we are now engaged in a debate about spending a surplus. Imagine, 12 months later we have gone from deficit talk to surplus talk. The President counsels us to be patient, to make sure the surplus is true and honest and to first dedicate it to Social Security.

So, of course, you are going to say, ''Senator DURBIN, having said that, how are you going to pay for child care? How will the President pay for it? These are good ideas, but they have to be paid for.''

The money is to come from the tobacco bill. This is a bill I have supported both as introduced by Senator KENNEDY and yesterday by Senator CONRAD, because it is a bill which addresses the reality of what we face today with tobacco. This bill imposes a $1.50 health fee on each package of cigarettes. We know that discourages kids from buying them. They are too expensive. It takes the revenues from that to not only educate young people about the dangers of smoking but also to use it for other good purposes: for example, to increase the number of public school teachers across America to 100,000 so that no child in the first, second or third grade will have a classroom with more than 18 students, or to put money into medical research.

Let me tell you that has to be the most widely popular Federal expenditure there is. Not a family touched by cancer, heart disease, diabetes, HIV, would ever suggest that that is not a good investment, to put the money into medical research. But, also, a portion of it for child care.

So, in order to make this work, it is not enough for us, as Democrats and Republicans, to make speeches about child care. We have to roll up our sleeves and pass this tobacco legislation, and we have to do it on a bipartisan basis. The tobacco companies will resist us every step of the way. They have. They will continue to. But I think the American people have decided they have had enough of the tobacco companies and the fact that they have had unreasonable sway over Washington for too long a period of time.

This year, 1998, is a year of political testing for Senators and Congressmen as to whether they will rise to the challenge and join in passing tobacco legislation, reducing the scourge of children who are taking up smoking, and raising revenues for things that are critically important for America's future—like child care.

I am happy to support the legislation that has been introduced, and I hope that we come up with bipartisan approval to make sure that it is passed. It is not just a question of raising this revenue, but the core reason for the tobacco legislation is to discourage the young Americans each day who take up smoking. Today in the United States of America, and every single day this year, 3,000 children will start smoking cigarettes for the first time. I have never, repeat never, met a parent who has said to me, ''I got the best news last night. My son came home and announced he started smoking.'' I have never heard that. In fact, just the opposite. Parents are concerned because they know this is a health concern.

Tobacco companies have deceived the public. They have deceived Congress. They have gone after kids for decades. Now we have a chance to call an end to that and to hold these companies accountable to reduce sales to minors and to make certain that our kids have a fighting chance for a bright future.

So, I will conclude by saying our agenda is filled this year. We may have more items on the agenda than they have days in session. But we need to pick and choose those that are critically important. I hope my colleagues, Democrats and Republicans alike, will agree that passing the tobacco bill is the first important step, then taking the revenues from that to help working families bring their children up under the best circumstances and to give these children a fighting chance to enter school ready to learn and to have a bright future.

I yield the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that Mr. MOYNIHAN and I may speak for not to exceed 30 minutes. I do not think we will use all that time, but I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

LINE ITEM VETO ACT FOUND UNCONSTITUTIONAL

Mr. BYRD. Mr. President, as many of my colleagues may already be aware, in a decision announced today by Judge Thomas F. Hogan of the United States District Court for the District of Columbia, the Line Item Veto Act has been found to be unconstitutional, an unconstitutional delegation of the Congress' power over the purse. While I congratulate each of the plaintiffs and their attorneys, this victory does not belong to them alone. This is a victory for the American people. It is their Constitution, it is their Republic, and their liberties that have been made more secure.

Judge Hogan's opinion parallels a previous decision by Judge Thomas Penfield Jackson, also for the U.S. District Court for the District of Columbia, in Byrd v. Raines, as well as the opinions expressed by Supreme Court Justice John Paul Stevens in that same earlier case. While I fully expect this decision today to be appealed and I, therefore, recognize this as a first step, I nevertheless regard it as an important step.

For the benefit of my colleagues, I would like to take just a few moments to read pertinent excerpts from Judge Hogan's decision. I read now, beginning with that section titled ''Procedural Requirements of Article I.''

I continue to read from Judge Hogan's opinion:

The Constitution carefully prescribes certain formal procedures that must be observed in the enactment of laws. The Line Item Veto Act impermissibly attempts to alter these constitutional requirements through mere legislative action. Because the act violates Article I's ''single, finely wrought and exhaustively considered, procedure,'' . . . it is unconstitutional.

* * * * *

Both Houses of Congress, through a process of discussion and compromise, had agreed upon the exact content of the Balanced Budget Act and the Taxpayer Relief Act. These laws reflected the best judgment of both Houses. The laws that resulted after the President's line item veto were different from those consented to by both Houses of Congress. There is no way of knowing whether these laws, in their truncated form, would have received the requisite support from both the House and the Senate. Because the laws that emerged after the Line Item Veto are not the same laws that proceeded through the legislative process, as required, the resulting laws are not valid.

Furthermore, the President violated the requirements of Article I when he unilaterally canceled provisions of duly enacted statutes. Unilateral action by any single participant in the law-making process is precisely what the Bicameralism and Presentment Clauses were designed to prevent. Once a bill becomes law, it can only be repealed or amended through another, independent legislative enactment, which itself must conform with the requirements of Article I. Any rescissions must be agreed upon by a majority of both Houses of Congress. The President cannot single-handedly revise the work of the other two participants in the lawmaking process, as he did here when he vetoed certain provisions of these statutes.

* * * * *

Whatever defendants wish to call the President's action, it has every mark of a veto.

* * * * *

Finally, Congress' ''indirect attempt[] to accomplish what the Constitution prohibits . . . accomplishing directly'' cannot stand. . . . ''To argue otherwise is to suggest that the Framers spent significant time and energy in debating and crafting Clauses that could be easily evaded.'' Congress knew that a single Line Item Veto, performed prior to the President's signature, would violate Article I's requirement that the president sign or return the bills *in toto*. This limitation on the President has been clear since George Washington's tenure.

Let me quote the words of George Washington as they are quoted in Judge Hogan's opinion:

(''From the nature of the Constitution, I must approve all the parts of a Bill, or reject it in toto.'') Congress cannot evade this long-accepted requirement by merely changing the timing of the President's cancellation.

Because the Line Item Veto Act produced laws in violation of the requirement of bicameral passage, because it permitted the President unilaterally to repeal or amend duly enacted laws, and because it impermissibly attempts to evade the requirement that the President sign or reject a bill *in toto*, the Act violates the requirements of Article I. For that reason alone, the Line Item Veto Act is unconstitutional.

Now, under the heading ''Separation of Powers,'' in Judge Hogan's opinion, I find these words, and I quote from his opinion:

Furthermore, the Line Item Veto Act is unconstitutional because it impermissibly disrupts the balance of powers among the three branches of government. The separation of powers into three coordinate branches is central to the principles on which this country was founded. . . . The declared purpose of separating and dividing the powers of government was to ''diffuse power the better to secure liberty.''

* * * * *

Pursuant to the doctrine of separated powers, certain functions are divided between the legislative and executive branches. Article I, section I vests all legislative authority in Congress. Legislative power is the authority to make laws[,]

Says Judge Hogan.

Executive power, on the other hand, is to ''take Care that the Laws be faithfully executed.''

* * * * *

With regard to lawmaking, the President's function is strictly a negative one: to veto a bill in its entirety.

While it is Congress' duty to make laws, Congress can delegate certain rulemaking authority to other branches, as long as that delegation is appropriate to the duties of that branch. (''[T]he lawmaking function belongs to Congress . . . and may not be conveyed to another branch or entity.'');

* * * * *

The Line Item Veto Act impermissibly crosses the line between acceptable delegations of rulemaking authority and unauthorized surrender to the President of an inherently legislative function, namely, the authority to permanently shape laws and package legislation. The Act——

Writes Judge Hogan,

enables the President, in his discretion, to pick and choose among portions of an enacted law to determine which ones will remain valid. The Constitution, however, dictates that once a bill becomes law, the President's sole duty is to ''take care that the laws be faithfully executed.'' His power

Writes Judge Hogan,

cannot expand to that of ''co-designer'' of the law—that is Congress' domain. Any subsequent amendment of a statute falls under Congress' responsibility to legislate. The President cannot take this duty upon himself; nor can Congress relinquish that power to the Executive Branch.

I shall not quote further excerpts from the opinion of Judge Hogan, but I ask unanimous consent to have printed in the RECORD the entire opinion, following the remarks of Mr. MOYNIHAN and my remarks. I understand the Government Printing Office estimates it will cost $1,532 to print this opinion in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD. Mr. President, next Monday is the official observance of the birthday of our first President, George Washington, who so wisely observed, as did Judge Hogan, ''From the nature of the Constitution, I must approve all the parts of a bill or reject it in toto.'' How right George Washington was! I can think of no greater tribute to his wisdom than this decision today.

Mr. President, I yield to my distinguished colleague who joined in preparing the amicus and who has, all the way from the beginning of these debates, which have gone on for years now, stood like the Irish oak in opposition to giving the President of the United States—any President, Republican or Democrat—a line-item veto.

I salute my friend, and I am very grateful to him for the work that he has done and for his constant support and leadership as we have stood together with Senator CARL LEVIN, who cannot be here today because he is in Europe. If Senator MOYNIHAN had been at the Constitutional Convention, even though Judge Yates and Mr. Lansing left the Convention early, leaving only Alexander Hamilton to sign that great document, Senator MOYNIHAN would have been there to attach his signature. And not only that, he would have joined with Hamilton and Madison and Jay in writing one of the greatest documents of all time, the Federalist Papers. I yield to my friend.

Mr. MOYNIHAN. Mr. President, it is an honor to speak following the statement by our revered, sometime President pro tempore, ROBERT C. BYRD of West Virginia, a man who has brought to our Chamber a sensibility concerning the Constitution that, I would argue, is unequaled since those awful days that led to the Civil War, days in

which his lucidity and courage could have produced a very different outcome.

We have a matter before us of equal consequence. I would offer the personal judgment that in the history of the Constitution, there has never come before us an issue considering the relations between the executive and the legislative branches as important as this one. It is a course of a peculiar inexplicability that this Chamber is empty—the distinguished Presiding Officer from Utah, our President pro tempore sometime from West Virginia and myself—empty because of a particular politics that for a long time said this was a desirable measure and enacted it and now faces the court saying, ''But it's unconstitutional.''

The courts, I dare to say, at the level of those asides that are well known in our judicial history, the court is also saying, ''Don't you know your Constitution? Don't you understand what is at stake for you?'' The courts are not themselves directly involved here, but they are trying to tell us, in brilliant decisions by Judge Jackson, now by Judge Hogan, singularly literate decisions.

Judge Hogan begins his historical analysis, if you will, with a citation from Gibbon's ''Decline and Fall of the Roman Empire'':

> The principles of a free constitution are irrecoverably lost when the legislative power is nominated by the executive.

That is how he saw the decline of the Roman Senate, inexorably followed by the decline of Roman civilization. That is what we are dealing with here today.

As Senator BYRD has so forcefully stated, George Washington, whose birthday we observe on Monday, who presided over the Constitutional Convention, in his later writings put it as explicitly as only he could do with that clarity and simplicity he had. Washington said:

> From the nature of the Constitution, I must approve all the parts of a Bill or reject it in toto.

That could not be more plain. And we find the courts saying to us—I don't presume to say this is obiter dicta, but I can see the courts pleading: ''Senators, do you not know what is at stake?''

As for the claims of efficiency and economy and this and that—legitimate claims—but the court refers in this particular decision, Judge Hogan refers to a wonderful passage from Chadha, which was so true about the original understandings of the political and Government process of the founders. He said in the Immigration and Naturalization Service v. Chadha, a decision in 1983—as I recall, it is on the one-House veto—the court said:

> The fact that a given law or procedure is efficient, convenient and useful in facilitating functions of government standing alone will not save it if it is contrary to the Constitution. Convenience and efficiency are not the primary objectives or the hallmarks of democratic government.

That was the great perception of our founders. In the Federalist Papers, which Senator BYRD has so generously mentioned, they ask openly, given the fugitive and turbulent existence of earlier republics, the Roman Republic, what makes you think this Republic will work?

They said, fair question, but we have a new science of politics. It is a science that does not assume virtue in men, it assumes conflict, and it provides for the resolution of conflict by equal and opposing forces. It does not fear debate. It welcomes it, it assumes self-interest on the part of regions, of sectors in the economy, of groups in the population. No fear.

And here is a central idea which was part of our amicus brief and which we find, I think, echoed in Judge Hogan's remarks, which I don't assert but I offer the thought. When we put together on the Senate floor a bill—I will say a Finance Committee bill, as I am now ranking member, was one time chairman of Finance—we think of balancing interests, conflicting or often unrelated, but there are 100 Members of this Chamber. They represent 50 States and 550 different points of view. We accommodate them. We provide for this interest and for that interest and hope and, I think, in the main see that the public interest is served by the opportunities of governing.

If you were to take one of those provisions out or two or three, it would be quite possible you would not have the votes to pass the bill. There could be a filibuster, or there simply could not be the 51 votes.

However, with the line-item veto, the President can subsequently take out such provisions such that the statute books will contain a law which never could have passed the U.S. Congress.

How say we, the statute books will have a law that could not have passed the Congress? Here it is, this is the arrangement. The courts are so clear on this, and I so look forward to a final decision by the Supreme Court.

It is interesting, if I may say, just to give an illustration of the compound interests of people involved, on the one hand we have two plaintiffs here, the City of New York, et al. The City of New York being the Greater New York Hospital Association, those great hospitals and the union of hospital employees which work there. The city, great science centers, ordinary persons who clean floors and care for patients. They are one group.

Across the continent, another group, the Snake River Potato Growers, Incorporated—about 30 farmers. They grow potatoes. They have an interest. It was in a bill, and it was taken out. That interest, I think, would have had real effect on the decision how to vote of the two Senators in this Chamber who represent those potato growers.

So you have radiologists and potato growers and people who scrub floors and people who go beyond the limits of conceivable knowledge in the biological and medical sciences. All these interests are always represented here, and only here.

Congress makes the laws. The President is required to see that they are faithfully executed. But, sir, and in closing, if nothing else will bring this Chamber to its wits, perhaps this will. The President's power under this line-item veto is likely rarely to be directly exercised. It will be threatened.

A President will say to a Senator, ''You know, I would so very much like to be of assistance to Utah as regards irrigation and other matters which are so important to me, but there's a foreign policy matter which also is important to me. And cannot I expect, in the spirit of exchange and understanding, that I will have your support here in return for my choice not to veto a measure now enacted by Congress?'' It will go on over and over again. It is the formula for executive tyranny.

Sir, within this day, one of the most learned, experienced men I know in Washington said, ''If LBJ,'' meaning Lyndon B. Johnson, ''had had this power, we would have had Nero.'' I mean no disrespect; I was a member of President Johnson's subcabinet, and served him as well as I could do. But you have to have experienced Lyndon Johnson close up, without this power, to know what the powers of persuasion of a President can be.

But given this power, you produce an imbalance in your constitutional system which the founders pleaded with us not to do. They produced a system that has worked well. We are the oldest continuous constitutional government on Earth. If we wish to change the Constitution there is a way to do that, too, but not through statute. And that is what the court has now for the second time ruled, and I hope that the Supreme Court will agree.

I would particularly like to thank Mayor Rudolph W. Giuliani of New York, who stepped right up to this issue when many people suggested he not do. And most particularly, to the counsel who have served us pro bono so well: Michael Davidson; Charles J. Cooper; Paul A. Crotty, former Corporation Counsel of the City of New York; Louis R. Cohen, Lloyd N. Cutler, Alan Morrison. And finally, sir, any number of professors of law have offered their counsel. Most particularly Laurence H. Tribe, of the Harvard Law School, and Michael J. Gerhardt, the dean of Case Western Reserve Law, have been unstinting in their willingness to advise us in a matter they consider just as important as we do.

Mr. President, I thank the Chair for its courtesy. I thank my leader, my beloved and revered leader, Senator BYRD.

I yield the floor.

EXHIBIT NO. 1

[United States District Court for the District of Columbia, Civ. No. 97–2393 (TFH)]

CITY OF NEW YORK, *ET AL.*, PLAINTIFF, *v.* WILLIAM J. CLINTON, *ET AL.*, DEFENDANT

[United States District Court for the District of Columbia, Civ. No. 97–2463 (TFH)]

SNAKE RIVER POTATO GROWERS, INC., *ET AL.*, PLAINTIFF, *v.* ROBERT E. RUBIN, *ET AL.*, DEFENDANT

MEMORANDUM OPINION

This case requires the Court to adjudge the constitutionality of the Line Item Veto Act. Before reaching the constitutional challenge, however, the Court must first conclude that it has jurisdiction to hear the case, by determining that Plaintiffs in this action have Article III standing. Based on the briefs and exhibits submitted by the parties and *amici curiae*,[1] and argument at a hearing conducted on January 14, 1998, the Court finds that these Plaintiffs have demonstrated the requisite injury to have standing; furthermore, it finds that the Line Item Veto Act violates the procedural requirements ordained in Article I of the United States Constitution and impermissibly upsets the balance of powers so carefully prescribed by its Framers. The Line Item Veto Act therefore is unconstitutional.

I. Background

A. The Line Item Veto Act[2]

Unable to control its voracious appetite for ''pork,'' Congress passed, and the President signed into law, the Line Item Veto Act. Pub. L. No. 104–130, 110 Stat. 1200 (1996).[3] The Act is designed as an amendment to, and an enhancement of, Title X of the Congressional Budget and Impoundment Control Act of 1974 (''ICA''). 2 U.S.C. §§681 *et seq*. The ICA authorized the President to defer spending of Congressional appropriations during the course of a fiscal year or other period of availability, as long as Congress intended for those appropriations to be permissive rather than mandatory. *Id*. The President also could propose the total rescission of an appropriation to Congress, but unless Congress approved the rescission, the President was obligated to release the funds. *Id*. §§683(b), 688. Because it generally failed to make the rescissions recommended by the President, Congress found this arrangement to be an unsatisfactory mechanism for controlling deficit spending.[4]

As large deficits persisted, Congress considered various amendments to the ICA to alleviate its perceived defects. One proposal, called ''expedited rescission,'' would amend the ICA to streamline the process for Congressional approval of rescissions proposed by the President. *See e.g.*, H.R. 2164, 102d Cong. (1991). Other proposals included amending the Constitution to give the President a line item veto, *see e.g.*, H.R.J. Res. 6, 104th Cong. (1995); H.R.J. Res. 4, 103d Cong. (1993), or adopting a congressional procedure for presenting each spending provision to the President as a separate bill, for approval or veto. *See, e.g.*, S. 137, 104th Cong. (1995); S. 238, 104th Cong. (1995). Congress settled on an ''enhanced rescission'' proposal, codified in the Line Item Veto Act, that makes Executive rescissions automatic in defined circumstances, subject to congressional disapproval. By making appropriations ''conditional'' during the period in which the President has authority to veto provisions, and ''by placing the onus on Congress to overturn the President's cancellation of spending and limited tax benefits,'' H.R. Conf. Rep. No. 104–491, at 16 (1996), the Line Item Veto Act reverses the appropriation presumptions under the 1CA.

The Line Item Veto Act gives the President the authority to ''cancel in whole,'' at any time within five days (excluding Sundays) after signing a bill into law, (1) ''any dollar amount of discretionary budget authority;'' (2) ''any item of new direct spending;'' and (3) ''any limited tax benefit.'' 2 U.S.C. §691a (1997).

A ''dollar amount of discretionary budget authority'' is defined as ''the entire dollar amount of budget authority'' that is specified in the text of an appropriations law or found in the tables, charts, or explanatory text of statements or committee reports accompanying a bill. *Id*. at §691e(7). An ''item of new direct spending'' is a specific provision that will result in ''an increase in budget authority or outlays'' for entitlements, food stamps, or other specified programs. *Id*. at §§691e(8), 691e(5). A ''limited tax benefit'' is a revenue-losing provision that gives tax relief to 100 or fewer beneficiaries in any fiscal year, or a tax provision that ''provides temporary or permanent transitional relief for ten or fewer beneficiaries in any fiscal year''[5] *Id*. at §691e(9).

With respect to any dollar amount of discretionary budget authority, the Act defines ''cancel'' as ''to rescind.'' *Id*. §691e(4)(A). Cancellation of an item of new direct spending or a limited tax benefit prevents it from having ''legal force or effect.'' *Id*. at §691e(4)(B). Canceled funds may not be used for any purpose other than deficit reduction. *Id*. at §§691c(a)-(b).

To exercise cancellation authority, the President must submit a ''special message'' to Congress within five calendar days of signing a bill containing the item being canceled. *Id*. at §691a(c)(1). The President's special message must set forth the reasons for the cancellation; the President's estimate of the ''fiscal, economic, and budgetary effect'' of the cancellation; an estimate of ''the . . . effect of the cancellation upon the objects, purposes and programs for which the canceled authority was provided;'' and the geographic distribution of the canceled spending. *Id*. at §691a(b). The President may exercise this authority only after determining that doing so will ''(i) reduce the Federal budget deficit; (ii) not impair any essential Government functions; and (iii) not harm the national interest.'' *Id*. at §691(a)(A).

A cancellation takes effect upon Congress' receipt of the President's special message. *Id*. at §691b(a). Congress can restore a canceled item by passing a ''disapproval bill,'' which is not subject to the President's Line Item Veto authority, but is subject to the veto provisions detailed in Article I. *Id*. Disapproval bills must comport with the requirements prescribed in Article I, section 7, although the Line Item Veto Act provides for expedited consideration of these bills. *Id*. at §§691e(6), 692(c). If a disapproval bill is enacted into law, the President's cancellation is nullified and the canceled items become effective. *Id*. at §691b(a).

In terms of judicial review, the Line Item Veto Act provides that ''[a]ny member of Congress or any individual adversely affected . . . may bring an action in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of [the Act] violates the Constitution.'' *Id*. at §692(a)(1). The Act provides for direct appeal to the Supreme Court and directs both Courts ''to expedite to the greatest possible extent the disposition of any matter brought under [this provision.]'' *Id*. at 692(b)-(c).

B. Factual Background in New York City v. Clinton

The City of New York plaintiffs consist of the City itself, two hospital associations (Greater New York Hospital Association, or GNYHA, and New York City Health and Hospitals Corporation, or NYCHHC), one hospital (the Jamaica Hospital Medical Center), and two unions that represent health care employees (District Council 37, American Federation of State, County and Municipal Employees and Local 1199, National Health and Human Service Employees).

The City of New York Plaintiffs' claims arise out of a dispute over Federal Medicaid payments to the State of New York. The Health Care Financing Administration of the Department of Health and Human Services (''HCFA'') provides federal financial participation (''FFP'') to match certain state Medicaid expenditures. (*See* Brown Decl., Defs.' Ex. 1 at ¶3.) The FFP provided by the Federal Medicaid program to match state expenditures is reduced by the revenue that the state receives from health care related taxes. *Id*. at ¶4. The FFP is not reduced, however, by tax revenue that meets specific criteria, including that the taxes are ''broad-based'' (*i.e.*, applied to all health care providers within the same class) and ''uniform'' (*i.e.*, applied equally to all taxed providers). *Id*.

New York State taxes its health care providers and uses this tax revenue to pay for health care for the poor. (*See* Wang Decl., Pls.' Ex. 2 at ¶4.) The State exempts certain revenues (*e.g.*, those derived from particular charities) of some health care providers (*e.g.*, the plaintiff health care providers) from the health care provider tax. (*See* van Leer Decl., Pls.' Ex. 3 at ¶3.) That is, New York exempts plaintiff health care providers from taxes that other health care providers must pay.

On December 19, 1994, HCFA notified New York State that 19 of its tax programs violated HCFA's requirements. (*See* Dear State Medicaid Director Letter, Pls.' Ex. 2D.) Since then, New York has submitted over 60 waiver applications to HCFA, which to date have neither been approved nor denied. (*See* Wang Decl., at ¶7.) A finding by HCFA that a State's taxes are impermissible effects a disallowance of the State's Medicaid expenditures and allows HCFA to recoup the matching funds that it has already paid to the State. *Id*. at ¶6. If HCFA denies a waiver request, the State may appeal the denial to the Departmental Appeals Board. (*See* Brown Decl. at ¶6.)

If HCFA ultimately deems New York's taxes impermissible, New York State law provides that those health care providers that were previously excluded from the taxes must pay them retroactively. (*See* Wang Decl. at ¶8.) For example, NYCHHC's tax liability is estimated to be more than $4 million for each year at issue. In total, $2.6 billion may be subject to recoupment from New York State. *Id*. at ¶¶7–8.

The Balanced Budget Act of 1997, Pub. L. No. 105–33, included a provision, section 4722(c), that would have alleviated this exposure to liability. It established that New York State expenditures derived from certain health care provider taxes qualified for FFP under the Medicaid program. *Id*. at ¶9. This section signified that New York State would not have to return the funds in question to HCFA; for Plaintiffs, it meant that they were relieved of their liability to New York State should HCFA deny New York's waiver requests.

The President signed the Balanced Budget Act into law on August 5, 1997. Six days later, he identified section 4722(c) as an item of new direct spending and canceled it, thus reinstating Plaintiffs' exposure to liability. Cancellation No. 97–3, 62 Fed. Reg. 43,263 (1997). The President adopted the Congressional Budget Office's estimate that the cancellation of section 4722(c) would reduce the federal deficit by $200 million in FY 1998. *Id*.

Footnotes at end of exhibit.

C. Factual Background in Snake River Potato Growers, Inc. v. Rubin

Snake River Potato Growers, Inc. is, according to Plaintiffs, an ''eligible farmers' cooperative'' within the meaning of section 968 of the Taxpayer Relief Act. (*See* Cranney Decl., Pls.' Ex. 2 at ¶9.) Its membership consists of approximately 30 potato growers located throughout Idaho, who each owns shares of the cooperative. Plaintiff Mike Cranney, a potato grower with farms located in Idaho, is a member, Director and Vice Chairman of the cooperative. *Id.* at ¶2. Snake River was formed in May 1997 to assist Idaho potato growers in marketing their crops and stabilizing prices, in part though a strategy of acquiring potato processing facilities. *Id.* at ¶9. These facilities allow individual growers to aggregate their crops and process and deliver them to market jointly. Furthermore, they allow members to retain revenues formerly paid out to third-party processors. *Id.* at ¶13.

On August 5, 1997, the President signed into law the Taxpayer Relief Act, Pub. L. No. 105–34, 111 Stat. 788 (''TRA''). Section 968 of the TRA amended the Internal Revenue Code to allow the owner of the stock of a qualified agricultural refiner or processor to defer recognition of capital gains on the sale of such stock to an eligible farmers' cooperative. That is, it would have allowed a processor to sell its facilities to an eligible cooperative without paying tax currently on any capital gain. The stated purpose of section 968 was to aid farmers' cooperatives in the purchase of processing and refining facilities.[6] (*See* Dear Colleague Letter by Reps. Roberts and Stenholm of 12/1/95, Pls.' Ex. 5.) On August 11, 1997, the President identified this provision as a ''limited tax benefit,'' within the meaning of the Line Item Veto Act, and canceled it. Cancellation No. 97–2, 62 Fed. Reg. 43,267 (1997). In his cancellation message, the President estimated that sellers could have used section 968 to defer paying $98 million in taxes over the next five years, and $155 million over the next ten. *Id.*

Snake River had actively pursued at least one transaction that could have taken advantage of section 968. In May 1997, when Congress initially was considering the proposals in section 968, Mike Cranney and another officer of Snake River discussed with Howard Phillips, a principal owner of Idaho Potato Packers (''IPP''), the purchase by Snake River of the stock of a company that owned an IPP potato processing facility in Blackfoot, Idaho. (*See* Cranney Decl. at ¶19.) Plaintiffs contend that this company would have been a ''qualified processor'' under section 968 and that a deal with Phillips could have been structured so as to comply with all requirements of section 968. *Id.* at ¶¶21–23. Plaintiffs maintain that Phillips was interested in pursuing the sale because he could defer taxes on his gain if section 968 passed. *Id.* at ¶23. The negotiations did not continue after the President canceled section 968. *Id.* at ¶24.

II. Justiciability

Before tackling the merits of this case, the Court must first determine whether it has jurisdiction to hear it. Under Article III, section 2 of the Constitution, the federal courts have jurisdiction over a dispute only if it is a ''case'' or ''controversy.'' *See Raines v. Byrd*, 117 S.Ct. 2312 (1997). The Supreme Court has regarded the case or controversy prerequisite as a ''bedrock requirement'' and has observed that ''[n]o principle is more fundamental to the judiciary's proper role in our system of government than the constitutional limitation of federal-court jurisdiction to actual cases or controversies.'' *Id. citing Valley Forge Christian College v. Americans United for Separation of Church and State, Inc.*, 454 U.S. 464, 471 (1982).

The central jurisdictional requirement that controls the analysis of these consolidated cases is the doctrine of standing. The Supreme Court has emphasized that the standing inquiry is ''especially rigorous when reaching the merits of the dispute would force us to decide whether an action taken by one of the other two branches of the Federal Government was unconstitutional.'' *Raines*, 117 S.Ct. at 2317–18. It has cautioned,

''the law of Art. III standing is built on a single basic idea—the idea of separation of powers.'' In the light of this overriding and time-honored concern about keeping the Judiciary's power within its proper constitutional sphere, we must put aside the natural urge to proceed directly to the merits of this important dispute and to 'settle' it for the sake of convenience and efficiency.

It is with these admonitions soundly in mind that this Court proceeds with its standing analysis regarding the plaintiffs now before it.

A. Standing

While the Supreme Court has candidly acknowledged that ''the concept of 'Article III Standing' has not been defined with complete consistency in all of the various cases decided by this Court which have discussed it.''[7] *Valley Forge Christian College*, 454 U.S. at 475, certain basic principles have been distilled from the Court's decisions:

To establish an Art. III case or controversy, a litigant first must clearly demonstrate that he has suffered an ''injury in fact.'' That injury, we have emphasized repeatedly, must be concrete in both a qualitative and temporal sense. The complainant must allege an injury to himself that is ''distinct and palpable,'' as opposed to merely ''abstract,'' and the alleged harm must be actual or imminent, not ''conjectural'' or ''hypothetical.'' Further, the litigant must satisfy the ''causation'' and ''redressability'' prongs of the Art. III minima by showing that the injury ''fairly can be traced to the challenged action'' and ''is likely to be redressed by a favorable decision.'' The litigant must clearly and specifically set forth facts sufficient to satisfy these Art. III standing requirements. A federal court is powerless to create its own jurisdiction by embellishing otherwise deficient allegations of standing.

Whitmore v. Arkansas, 495 U.S. 149 (1990) (internal citations omitted). Here, the principal standing inquiry is whether Plaintiffs can demonstrate sufficient injury, ''actual or threatened.'' *See Valley Forge Christian College*, 454 U.S. at 472.

Although these plaintiffs do not neatly fit into any category of plaintiffs that the Supreme Court has already found to have standing, this Court finds that they meet the Article III requirements. The President directly injured both the City of New York plaintiffs and the Snake River plaintiffs when he canceled legislation that provided a benefit to them.

1. City of New York Plaintiffs[8]

Plaintiffs suffered an immediate, concrete injury the moment that the President used the Line Item Veto to cancel section 4722(c) and deprived them of the benefits of that law. The Court thus finds that Plaintiffs have suffered sufficient injury to have Article III standing.

When the President signed the Balanced Budget Act of 1997, section 4722(c) became law. *See La Abra Silver Mining Co. v. United States*, 175 U.S. 423, 454 (1899). Consequently, every New York State tax program held not to meet HCFA's requirements was deemed permissible by federal legislation. The State's liability was eliminated and the hospitals upon which that liability would fall were exonerated of their burden. Plaintiffs possessed a valuable protection against any liability that otherwise might befall them. This protection constituted a benefit to Plaintiffs. When the President canceled section 4722(c), Plaintiffs were divested of the benefit conferred upon them by the legislation. In the simplest terms, Plaintiffs had a benefit, and the President took that benefit away. That is injury.

Defendants argue that, because there are still administrative options available to Plaintiffs, Plaintiffs were not injured by the President's cancellation of this legislative solution. The Court disagrees. Plaintiffs had two independent avenues that they could have pursued to avoid potential liability: one legislative and one administrative. The legislative approach yielded complete success. The fact that there are two mechanisms that could produce a result does not mean that a party is not injured when one of those mechanisms produces the desired result, and then that result is obliterated. Analogously, if Plaintiffs were pursuing a challenge to a final agency action, the fact that there might also be pending legislation would not deprive them of standing to challenge the final agency action. *See INS v. Chadha*, 462 U.S. 919, 936–37 (1983) (Burger, C.J.) (finding that the existence of other speculative avenues of relief does not constitute a prudential bar to the Court's consideration of a case). The Court finds that the availability of administrative relief does not eliminate Plaintiff's injury in the legislative arena.

Plaintiffs also have shown with reasonable certainty that they will be liable for millions of dollars now that Section 4722(c) has been canceled. Under the current law, it is highly likely that the State of New York will be required to return to HCFA at least some of the funds that HCFA paid to the State. First of all, HCFA has already deemed the taxes impermissible. HHS has stated that in the absence of legislation (like Section 4277(c)), by August 1998, ''the Secretary will move forward to complete the process already begun to apply with full force the current law.'' (Dear State Medicaid Directors Letter, Pls.' Ex. 2D.) Next, to exercise Line Item Veto authority, the President was required to certify that the veto *would* reduce the federal deficit; he complied with that requirement by certifying that cancellation of Section 4277(c) *would* result in a reduction in federal outlays in FY 1998 of $200 million. Cancellation No. 97–3, 62 Fed. Reg. 43,263 (1997). Finally, at a press briefing on the cancellation, Office of Management and Budget Director Franklin Raines described Section 4722(c) as ''a provision that provided special relief to the State of New York for provider taxes that *had been determined by HCFA to be illegal* under a 1991 statute.'' (Pls.' Ex 2C (emphasis added).) Raines added that ''New York will not be able'' to use the taxes to increase its FFP. *Id.* Thus, this Court concludes that it is more likely than not that the State of New York will be required to refund at least some of the payments it has received from HCFA.

Likewise, the Court finds that Plaintiffs are highly likely to be required to indemnify the State for its HCFA recoupments. Defendants do not dispute that New York State law imposes automatic liabilities upon hospitals and nursing homes upon a finding that New York's provider taxes are not permissible. (*See* Wang Decl., Pls.' Ex. 2 at ¶8). Plaintiffs would avoid liability only in the unlikely event that the State of New York would rescind these laws or decline to enforce them. Again, the Court finds that this scenario is less likely than one in which Plaintiffs are required to indemnify the State.

Therefore, by finding that the City of New York plaintiffs have demonstrated sufficient

injury, the Court concludes that they have standing to challenge the constitutionality of the Line Item Veto Act.

2. Snake River Plaintiffs

Like the City of New York plaintiffs, the Snake River plaintiffs suffered an immediate, concrete injury when the President canceled section 968. Section 968 conferred a benefit on Plaintiffs by putting them on equal footing with investor-owned businesses. Before section 968 was passed, investor-owned businesses could structure acquisitions of processing facilities as tax-deferred stock-for-stock exchanges. Farmers' cooperatives could not exchange their stock because a cooperative's stock can be held only by its members. Section 968 would have allowed sellers to defer capital gains taxes on sales to farmers' co-ops, thus putting co-cops in the same competitive position as investor-owned businesses.[9]

The Supreme Court has held that the inability to compete on an equal basis in the bidding process is injury in fact. *See Northeastern Florida Chapter of the Associated Gen. Contractors of America v. City of Jacksonville*, 508 U.S. 656 (1993). In that case, the Court found that contractors that regularly bid on, and performed, construction work for the City of Jacksonville, and would have bid on designated set-aside contracts but for the restrictions imposed, had standing, even though they failed to allege that they would have been awarded a contract but for the challenged ordinance. Here, regardless of whether Plaintiffs can prove that they would have actually consummated purchases under section 968, they are injured by the fact that section 968 put them on equal footing with their competitors and its cancellation disabled them from competing on an equal basis. When the President canceled section 968, Plaintiffs were divested of the benefit conferred upon them by the legislation and therefore were concretely injured.

In addition, it is highly likely that the Snake River plaintiffs would have been able to take advantage of the benefits conferred by section 968 and that they therefore will be injured by the President's cancellation of it. Snake River Potato Growers, Inc. was formed for the purpose of acquiring potato processing facilities. Although the sellers of processing and refining facilities would be the direct beneficiaries of the capital gains tax deferral, it is likely that the fact that the processors would be able to defer these taxes would benefit Plaintiffs in a concrete way.[10] For example, in a deal in which there are not other prospective purchasers, even if a seller chose to completely absorb the monetary benefits of the capital gains tax deferral, the fact that the seller would be able to defer the taxes would, at the very least, likely give Plaintiffs some room to negotiate in terms of price; in a competitive situation, it would allow Plaintiffs to pay a lower purchase price than they would have in a scenario in which they were not on equal footing with the other would-be purchasers.[11]

While Plaintiffs cannot demonstrate with certainty that they would be able to take advantage of the benefits provided by section 968, such certainty is not required. In *Bryant v. Yellen*, 447 U.S. 352 (1980), for example, farm workers wishing to purchase land had standing even though they could not with certainty establish that they would be able to purchase it. In that case, a reclamation law forbid delivery of reclamation project water to any irrigable land held in private ownership by one owner in excess of 160 acres. If this law were enforced, owners of land in excess of 160 acres would probably sell their excess acreage and would probably be forced to sell at below current market prices. The Court reasoned that farm workers who desired to purchase farmlands in the area had standing, because it was ''unlikely'' that the owners of excess lands would sell at below-market prices without the law, and it was ''likely'' that excess lands would become available at less than market prices if the law were applied.

Likewise, the Snake River plaintiffs need only show that the existence of section 968 would have made it more likely that they could acquire processing and refining facilities. As illustrated above, by putting Plaintiffs on equal footing with other bidders, it is likely that Plaintiffs would be able to make a purchase by offering less than they would have without the benefit of section 968. Also, the tax deferral would, at the very least, give Plaintiffs more room to negotiate in terms of price. Thus, section 968 would have helped the Snake River plaintiffs in their efforts to purchase processing and refining facilities.

Defendants argue that Plaintiffs cannot meet the redressability requirement of the standing doctrine. They cite *Simon v. Eastern Ky. Welfare Rights Org.*, 426 U.S. 26 (1976), and *Allen v. Wright*, 468 U.S. 737 (1984), to support their contention that there is no way for the Court to know whether any sellers would be motivated by the benefits of section 968 to sell to Plaintiffs. This case is distinguishable from *Simon* and *Allen*, however, because here, Plaintiffs have sufficiently demonstrated that if this Court struck the Line Item Veto Act and reinstated section 968, they would be more likely to be able to competitively bid on, and prevail in purchasing, processing and refining facilities.

In *Simon*, the Supreme Court determined that low-income plaintiffs lacked standing to challenge a tax regulation establishing the amount of free medical care that a charitable hospital must provide to maintain its tax-exempt status. The Supreme Court explained that it was ''purely speculative'' to assume that the challenged regulation caused charitable hospitals to provide less service that they would otherwise provide free of charge, and it was ''equally speculative'' to assume that increasing the amount of free service required for tax exemption would in fact increase the amount of free service provided. *Simon*, 426 U.S. at 42–43. The Court commented that the hospitals might elect to forgo favorable tax treatment to avoid the financial drain of providing more free treatment.

In *Allen*, the Supreme Court concluded that parents of public school children lacked standing to challenge the legality of a tax exemption that benefitted racially discriminatory private schools. The plaintiffs claimed that the tax exemption made it easier for white children to enroll in private schools, the result being that the public schools were less diverse, to the plaintiffs' detriment. The Supreme Court indicated that it would be ''entirely speculative'' to conclude that withdrawal of the tax exemption would lead any private school to change it exclusionary policies. *Allen*, 468 U.S. at 758.

In both of these cases, there was arguably some disincentive to the institutions' taking advantage of the tax benefit. The hospitals in *Simon* would have to admit more non-paying patients; the schools in *Allen* would have to admit a more diverse student body, against their wishes. In these cases, it may indeed have been speculative to attempt to determine whether the hospitals and schools would be willing to make these changes in order to take advantage of the tax incentive. Here, Defendants do not allege that there is any ''cost'' to the selling processors and refiners in taking advantage of the tax benefits that section 968 would offer. Unlike the schools and hospitals in *Allen* and *Simon*, the sellers' decision likely would be a purely financial one.

Defendants also contend that Plaintiffs' submissions regarding Mike Cranney's planned purchase of the IPP processing facility are barren of facts that would demonstrate whether section 968 would have had any impact on that transaction, because of the specific requirements of section 968.[12] While the Court will not speculate as to whether Cranney's deal with Phillips would have been brought to fruition but for the President's cancellation of section 968, or even if that particular deal would have satisfied the requirements of section 968, the negotiations at the very least make it clear to the Court that Plaintiffs were actively spending their time and money pursuing purchases and that the President's cancellation of section 968 interfered with those plans. *Compare, Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1991) (holding that plaintiffs lacked standing to challenge an environmental regulation because, although plaintiffs had a desire to return to the habitat of certain endangered species, they failed to present any concrete plans of an actual visit).

The Court finds that the Snake River plaintiffs suffered an injury when the President canceled Section 968. Plaintiffs lost the benefit of being on equal footing with their competitors and will likely have to pay more to purchase processing facilities now that the sellers will not be able to take advantage of section 968's tax breaks. The Court therefore concludes that the Snake River plaintiffs have demonstrated sufficient injury to have Article III standing.

III. Constitutional Analysis of the Line Item Veto Act

Having determined that it has jurisdiction to hear this case, the Court now turns to the merits of Plaintiffs' constitutional challenges. The Court begins with the presumption that the Line Item Veto Act is valid. *See e.g., INS v. Chadha*, 462 U.S. 919, 944 (1983). The *Chadha* Court cautioned, however,

The fact that a given law or procedure is efficient, convenient, and useful in facilitating functions of government, standing alone, will not save it if it is contrary to the Constitution. Convenience and efficiency are not the primary objectives—or the hallmarks—of democratic government . . .

Id.

The Court's constitutional analysis is twofold. First, the Court examines the Line Item Veto Act in terms of the procedural requirements set forth in Article I, section 7; next, the Court discusses the doctrine of separation of powers. The Court concludes that the Line Item Veto Act fails both of these examinations.

A. Procedural Requirements of Article I

The Constitution carefully prescribes certain formal procedures that must be observed in the enactment of laws. The Line Item Veto Act impermissibly attempts to alter these constitutional requirements through mere legislative actions.[13] Because the Act violates Article I's ''single, finely wrought and exhaustively considered, procedure,'' *Chadha*, 462 U.S. at 951, it is unconstitutional.

Article I, section 7 of the Constitution sets forth dual requirements for the enactment of statutes: bicameral passage and presentment to the President. *See* U.S. Const. art. I, §7, cl. 2 (''Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return in . . .'') (the Bicameralism and Presentment Clauses). The considerations behind the Great Compromise, under which one House was viewed as representing the People and the other, the States, dictated that the

Bicameralism and Presentment Clauses would serve essential constitutional functions. ''By providing that no law could take effect without the concurrence of the prescribed majority of the Members of both Houses, the Framers reemphasized their belief . . . that legislation should not be enacted unless it has been carefully and fully considered by the Nation's elected officials.'' *Chadha,* 462 U.S. at 948–49. At the heart of the notion of bicameralism is the requirement that any bill must be passed by both Houses of Congress in exactly the same form.

The Constitution requires that both the amendment and repeal of statutes also conform with these Article I requirements. *Chadha,* 462 U.S. at 954. It makes only four narrow exceptions to this single mechanism by which the provisions of a law may be canceled. *See* U.S. Const. art. I, §2, cl. 6; art. 1, §3, cl. 5; art. II, §2, cl. 2; art. II, §2, cl. 2. Congress may not add to this exclusive list without amending the Constitution. In the words of the *Chadha* court,

The bicameral requirement, the Presentment Clauses, the President's veto, and Congress' power to override a veto were intended to erect enduring checks on each Branch and to protect the people from the improvident exercise of power by mandating certain prescribed steps. To preserve those checks, and maintain the separation of powers, the carefully defined limits on the power of each Branch must not be eroded. To accomplish what has been attempted [here] requires action in conformity with the express procedures of the Constitution's prescription for legislative action: passage by a majority of both Houses and presentment to the President.

Chadha, 462 U.S. at 957–58.

Here, while the initial passage of the Balanced Budget Act and the Taxpayer Relief Act complied with the Article I requirements, the Line Item Veto Act then authorized the President to violate those requirements by producing laws that had not adhered to those requirements. Both Houses of Congress, through a process of discussion and compromise, had agreed upon the exact content of the Balanced Budget Act and the Taxpayer Relief Act. These laws reflected the best judgment of both Houses. The laws that resulted after the President's line item veto were different from those consented to by both Houses of Congress. There is no way of knowing whether these laws, in their truncated form, would have received the requisite support from both the House and the Senate. Because the laws that emerged after the Line Item Veto are not the same laws that proceeded through the legislative process, as required, the resulting laws are not valid.

Furthermore, the President violated the requirements of Article I when he unilaterally canceled provisions of duly enacted statutes. Unilateral action by any single participant in the law-making process is precisely what the Bicameralism and Presentment Clauses were designed to prevent. Once a bill becomes law, it can only be repealed or amended through another, independent legislative enactment, which itself must conform with the requirements of Article I. Any rescissions must be agreed upon by a majority of both Houses of Congress. The President cannot single-handedly revise the work of the other two participants in the lawmaking process, as he did here when he vetoed certain provisions of these statutes.

Defendants, curiously, contend that, despite its title, the Line Item Veto Act does not authorize the President to ''veto'' anything. They maintain that under the Act, ''[t]he Bill stays as law, unless the President were to exercise his constitutional power to veto. Nothing changes about the bill. The law remains law. . . . The law remains on the books and the law remains valid.'' (Tr. of Mot. Hr'g, Jan. 14, 1998 at 71, 78.) The Court does not follow Defendants' logic. In the words of Richard Cardinal Cushing, ''When I see a bird that walks like a duck and swims like a duck and quacks like a duck, I call that bird a duck.'' Whatever defendants wish to call the President's action, it has every mark of a veto. The Line Item Veto Act states explicitly that ''cancel'' means ''to rescind'' or to render the provision as having no ''legal force or effect.'' How a ''canceled'' provision ''remains on the books'' and ''remains valid'' defies logic. The only way to restore these canceled provisions is for Congress to pass and present new bills according to the procedure prescribed in Article I. Clearly, this is an indication that the canceled law no longer exists. Therefore, despite Defendants' contentions, the Court finds that when the President canceled these provisions pursuant to his Line Item Veto authority, he unilaterally repealed duly enacted provisions and amended duly enacted laws, which Article I does not permit him to do.

Finally, Congress' ''indirect attempt[] to accomplish the Constitution prohibits . . . accomplishing directly'' cannot stand. *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 829 (1995). ''To argue otherwise is to suggest that the Framers spent significant time and energy in debating and crafting Clauses that could be easily evaded.'' *Id.* at 831. Congress knew that a simple Line Item Veto, performed prior to the President's signature, would violate Article I's requirement that the president sign or return the bills *in toto*. *See Line Item Veto: The President's Constitutional Authority, Hearing on S. Res. 195 Before the Subcomm. on the Constitution of the Comm. on the Judiciary*, 103d Cong. (1994). This limitation on the President has been clear since George Washington's tenure. *See* 33 *Writings of George Washington* 96 (John C. Fitzpatrick ed. 1940) (''From the nature of the Constitution, I must approve all the parts of a Bill, or reject it in toto.'') Congress cannot evade this long-accepted requirement by merely changing the timing of the President's cancellation.

Because the Line Item Veto produced laws in violation of the requirement of bicameral passage, because it permitted the President unilaterally to repeal or amend duly enacted laws, and because it impermissibly attempts to evade the requirement that the President sign or reject a bill *in toto*, the Act violates the requirements of Article I. For that reason alone, the Line Item Veto Act is unconstitutional.

B. Separation of Powers

Furthermore, the Line Item Veto Act is unconstitutional because it impermissibly disrupts the balance of powers among the three branches of government.[14] The separation of powers into three coordinate branches is central to the principles on which this country was founded. *See, e.g., Mistretta v. United States*, 488 U.S. 361, 380 (1989). The declared purpose of separating and dividing the powers of government was to ''diffuse power the better to secure liberty.'' *Youngstown Sheet & Tube Co. v. Sawyer,* 343 U.S. 579, 635 (1952). In writing about the principle of separated powers, Madison stated, ''No political truth is certainly of greater intrinsic value or is stamped with the authority of more enlightened patrons of liberty.'' *The Federalist No. 47,* at 324 (J. Cooke ed. 1961). Madison later wrote, ''But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department, the necessary constitutional means, and personal motives, to resist encroachments of the others.'' *The Federalist No. 51,* at 349 (J. Cooke ed. 1961). The Framers ''regarded the checks and balances that they built into the tripartite Federal Government as a self-executing safeguard against the encroachment or aggrandizement of one branch at the expense of the other.'' *Buckley v. Valeo*, 424 U.S. at 122.

Pursuant to the doctrine of separated powers, certain functions are divided between the legislative and executive branches. Article I, section 1 vests all legislative authority in Congress. Legislative power is the authority to make laws. *Myers v. United States*, 272 U.S. 52 (1926). Executive power, on the other hand, is to ''take Care that the Laws be faithfully executed.'' U.S. Const., art. II, §3. With regard to lawmaking, the President's function is strictly a negative one: to veto a bill in its entirety.

While it is Congress' duty to make laws, Congress can delegate certain rulemaking authority to other branches, as long as that delegation is appropriate to the duties of that branch. *See Mistretta,* 488 U.S. at 388. Congress may not, however, delegate its inherent lawmaking authority. *See, e.g., Loving v. United States*, 116 S.Ct. 1737, 1744 (1996) (''[T]he lawmaking function belongs to Congress . . . and may not be conveyed to another branch or entity.''); *Field v. Clark,* 143 U.S. 649, 692 (1892) (''That Congress cannot delegate legislative power to the president is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution.''); Edward Gibbon, *History of the Decline and Fall of the Roman Empire* 33 (1838) (''The principles of a free constitution are irrecoverably lost, when the legislative power is nominated by the executive.''); Sir William Blackstone, 1 *Commentaries on the Laws of England,* 146 (9th ed., reprinted 1978) (1783) (''In all tyrannical governments the supreme magistracy, or the right of both *making* and of *enforcing* the laws, is vested in one and the same man, or one and the same body of men; and wherever these two powers are united together, there can be no public liberty.'').

The line between permissible delegations of rulemaking authority and impermissible abandonments of lawmaking power is a thin one. As one court described the distinction, ''The legislature cannot delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend.'' *Field,* 143 U.S. at 694. Stated another way, ''The true distinction . . . is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring an authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first cannot be done; to the latter no valid objection can be made.'' *Hampton v. United States,* 276 U.S. 394 (1928).

The Line Item Veto Act impermissibly crosses the line between acceptable delegations of rulemaking authority and unauthorized surrender to the President of an inherently legislative function, namely, the authority to permanently shape laws and package legislation. The Act enables the President, in his discretion, to pick and choose among portions of an enacted law to determine which ones will remain valid. The Constitution, however, dictates that once a bill becomes law, the President's sole duty is to ''take care that the laws be faithfully executed.'' His power cannot expand to that of ''co-designer'' of the law—that is Congress' domain. Any subsequent amendment of a statute falls under Congress' responsibility to legislate. The President cannot take this duty upon himself; nor can Congress relinquish that power to the Executive Branch.

The Defendants contend that the Line Item Veto is no different than the many delegations of legislative authority that Congress has made in the past. *See, e.g., Field v. Clark,* 143 U.S. 649. Unlike other delegations of Congressional authority, however, the Line Item Veto Act authorizes the President to permanently extinguish laws. These laws cannot be revived even if the President (or his successor) feels that they are needed. Further, the Line Item Veto Act empowers the President to make permanent changes to the text of the Internal Revenue Code, as he did in the Snake River case. Such delegations are unprecedented.

Defendants further urge the Court to find that the Line Item Veto provides the President with ''intelligible standards'' as required by the delegation doctrine. *See Mistretta,* 488 U.S. at 372. While it is true that the delegation doctrine has enjoyed a liberal reading in the last 60 years or so, *see, e.g., Federal Radio Comm'n v. Nelson Bros.,* 289 U.S. 266 (1933) (upholding a delegation based on ''public convenience, interest or necessity''), by trying to bypass the maxim that Congress can delegate authority only if that authority is, in fact, delegable, the Government attempts to ''leap a chasm in two bounds.'' (Benjamin Disraeli, Earl of Beaconsfield.) It is irrelevant whether the Line Item Veto Act provides intelligible principles in its delegation of authority to the President because, as discussed above, the Act impermissibly attempts to transfer non-delegable legislative authority to the Executive Branch.

The separation of powers between the President and Congress is clear:

In the framework of our Constitution, the President's power to see that laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute.

Youngstown, 343 U.S. at 587–88. By ceding inherently legislative authority to the President, the Line Item Veto Act violates this constitutional framework. For that reason, and for the reason that it violates the letter and spirit of the procedural requirements of Article I, the Line Item Veto Act is unconstitutional.

IV. Conclusion

Although the Line Item Veto Act may have presented an innovative and effective manner in which to control runaway spending by Congress, the Framers held loftier values. The *Chadha* Court recognized this tension between uncomplicated administration of government and the values honored in the Constitution:

The choices we discern as having been made in the Constitutional convention impose burdens on governmental processes that often seem clumsy, inefficient, even unworkable, but those hard choices were consciously made by men who had lived under a form of government that permitted arbitrary governmental acts to go unchecked. There is no support in the Constitution or decisions of this court for the proposition that the cumbersomeness and delays often encountered in complying with explicit Constitutional standards may be avoided, either by the Congress or by the President. With all the obvious flaws of delay, untidiness, and potential for abuse, we have not yet found a better way to preserve freedom than by making the exercise of power subject to the carefully crafted restraints spelled out in the Constitution.

Chadha, 462 U.S. at 959. Because the Line Item Veto impermissibly violates the central tenets of our system of government, it cannot stand.

Therefore, because the Court finds that Plaintiffs have demonstrated the requisite injury to have standing and, furthermore, that the Line Item Veto Act violates the provisions of Article I, section 7 of the United States Constitution and the separation of powers doctrine, this Court declares that the Line Item Veto Act is unconstitutional. Accordingly, the Court will grant Plaintiffs' Motions for Summary Judgment and deny Defendants' Motion to Dismiss and Motion for Summary Judgment. An Order will accompany this Opinion.

FOOTNOTES

[1] *Amici curiae* briefs were submitted by Senators Robert C. Byrd, Daniel Patrick Moynihan, and Carl Levin, in support of Plaintiffs' motions to declare the Line Item Veto Act unconstitutional; the United States Senate, in support of the constitutionality of the Act; and Congressman Dan Burton, in support of the constitutionality of the Act.

[2] The Constitutionality of the Line Item Veto Act was litigated in this court a mere six months before the complaints in this case were filed. *See Byrd v. Raines,* 956 F.Supp. 25 (D.D.C. 1997). In *Byrd,* Judge Jackson declared the Act unconstitutional. *Id.* On a direct appeal of that District Court decision, the Supreme Court held that appellees, six members of Congress, lacked standing to bring the suit, and therefore vacated the District Court opinion and directed that the complaint be dismissed. *See Raines v. Byrd,* 117 S.Ct. 2312, 2323 (1997).

[3] President Clinton signed the Line Item Veto Act into law on April 9, 1996, it became effective January 1, 1997, and it remains effective until January 1, 2005.

[4] Since 1974, Presidents have recommended $72.8 billion in rescissions, but Congress has passed legislation rescinding only $22.9 billion. S. Rep. No. 104–13, at 2 (1995).

[5] The Joint Congressional Committee on Taxation is responsible for identifying cancelable items in tax bills. *Id.* at §691f.

[6] Before the passage of section 968, farmers' cooperatives were at a competitive disadvantage vis à vis investor-owned businesses. Co-ops could not exchange their stock for the stock of processing companies, because a cooperative's stock can be held only by its members. (*See* Cranney Decl. at ¶15.)

[7] *But see* Ralph Waldo Emerson, *Essays: Self-Reliance* (1841), ''A foolish consistency is the hobgoblin of little minds.''

[8] The Court's standing analysis focuses on the plaintiff health care providers. As long as the Court determines that at least one of the New York plaintiffs has standing, it does not need to consider the standing issue as to the other plaintiffs in that action. *See Bowsher v. Synar,* 478 U.S. 714, 721 (1986).

[9] As a simplified example, if an investor-owned business and a farmers' co-op each offered $1 million for a processing plant, the investor-owned business would always prevail because the processor would actually net $1 million from that sale, whereas it would net less than $1 million from the sale to the farmers' co-op, because it would have to pay capital gains tax on that sale. Therefore, to compete for a piece of property with an investor-owned business, the farmers' co-op would have to offer more than the investor-owned business to make up for the capital gains tax that the purchaser would have to pay.

[10] Defendants argue that because Plaintiffs themselves would not have received the capital gains tax deferral, they are not the beneficiaries of section 968. The Court disagrees. The express purpose of section 968 was to help farmers to buy refining and processing facilities by eliminating a tax obstacle facing sellers who sell to them. Thus, although the direct recipient of the tax deferral was the sellers, it was plainly understood that the intention was to benefit the farmers; a cancellation of the tax deferral would really injure the farmers, not the owners of the processing plants, because the owners could already get the tax deferral simply by selling to investor-owned businesses.

[11] For example, in the illustration provided in footnote 9, *supra,* instead of having to offer, say, $1.3 million to compete with the investor-owned business, the co-op could offer an amount in the $1 million range.

[12] To qualify for a deferral of capital gains taxes under section 968(g), the seller must transfer 100% of the stock of the qualified processor to the farmers' cooperative. Section 968(a) requires that, during the one-year period preceding the date of sale, the qualified refiner or processor purchase at least 50% of the products to be refined or processed from the farmers who make up the eligible farmers' cooperative that is purchasing the corporations' stock or from the cooperative itself.

[13] This approach has been cautioned against since the founding of our democracy. ''If in the opinion of the People, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed.'' George Washington, Farewell Address, September 19, 1796 *in* 35 *The Writings of George Washington* 229 (John C. Fitzpatrick ed., 1940).

[14] While this analysis focuses on the balance of powers between the legislative and executive branches, the Line Item Veto could also affect judicial independence. It is possible that the President might use the Line Item Veto to manipulate the judiciary's budget, thus exerting pressure on its members. *See* Robert Destro, *Whom Do You Trust? Judicial Independence, the Power of the Purse & the Line Item Veto,* 44-Jan. Fed. Law. 26, 29 (1997).

February 12, 1998.

THOMAS F. HOGAN,
U.S. District Judge.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I hesitate to intrude on this debate, but confession is good for the soul.

I campaigned on behalf of a line-item veto. I worked on this floor for the passage of the line-item veto. I enthusiastically voted for the line-item veto. I learned one thing in basic training when I was in the military service of this country that has remained with me. One of the things they taught us was that the best time to escape is immediately after you are captured. Don't wait until you have been taken to the back lines. Don't wait until you have been put in a prison camp to try to plot your escape. Escape immediately after you are captured, when you are within 100 yards of your own lines. You are in the confusion of the battlefield, you are under the control of troops who are not trained to hold on to prisoners.

I have applied that principle in my life. When I make a mistake I want to escape from it as quickly as possible instead of waiting until I have been put into prison later on behind the enemy lines.

I reasoned that the experience of State Governors, 47 of whom have line-item vetoes, bade well for the line-item veto. My own Governor in the State of Utah has it. And it has not been the source of mischief in the process of legislation in the State.

I have seen that it has become the source of mischief here in this body. And, as I said to my revered colleague on the Appropriations Committee when this came up—and our chairman was expressing his usual enthusiasm; in this case in anger for his position—it may be that I will have to eat a little crow.

So as I receive the news of the action having been taken by the court in this case, I stand now to say that I would not support an effort to try to overturn that decision. The time to escape is immediately after you are captured. And we have been captured. And I will escape from my previous posture.

I apologize, albeit much too late, to my primary opponent who stood in opposition to the line-item veto. And this was a matter of difference between the two of us in the primary. I think I made some progress because as we got near the vote he recanted and came to my side so as to try to get the people who were in favor of a line-item veto to vote for him instead of me.

But I believe the arguments that have been repeated here, the information given here from the decision of the judge, are sufficiently persuasive that I need to make this apology and this recanting of a previous position. While I may not be with my two colleagues on many other matters, I try to be with them on constitutional matters.

It is on this basis that I opposed a constitutional amendment regarding flag burning. That puts me at odds with my senior colleague from Utah, which always distresses me. It is for this purpose that I oppose McCain-Feingold campaign finance reform because I think it is unconstitutional. I believe the courts have ruled in similar cases that the guts of the McCain-Feingold bill is in fact an intrusion on the first amendment.

But I think there is no more important function that we have in this Chamber, whatever our disagreements on the specifics, than the function of protecting the Constitution against the whims of the hour.

And so I thank Senator BYRD and Senator MOYNIHAN for their scholarship and for their leadership on this issue, and I, as one Senator at least on the other side of the issue, throw in the towel, eat a little crow, and declare my willingness to escape from a previous position.

Mr. BYRD. Mr. President, will the Senator yield very briefly?

Mr. BENNETT. I am happy to yield.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his remarks.

Diogenes walked the streets of Athens in broad daylight with his lighted lantern. He was asked why. He answered, ''I am looking for a man.'' Plato, when visiting Sicily, was asked by Hiero, the tyrannical head of the Government, why he came to Sicily. He said, ''I am seeking an honest man.''

May I say, Mr. President, today I have found an honest man —the distinguished Senator from Utah.

Mr. BENNETT. I thank the Senator from West Virginia. There could be no higher tribute. I am grateful to him.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. May I add, not only honest but a courageous man. In some 21 years on the Senate floor I have not heard a more refreshing and inspiriting statement. It is not surprising coming from the Senator from Utah, but it is all the more amazing. There are few places in this world today where such a statement could be made and praised.

It is a tribute to you, sir; also a tribute to the U.S. Army, I believe. But we will not get into that. I thank you for your remarks, sir.

Mr. BENNETT. I thank the senior Senator from New York. Both of my senior friends are far too lavish in their praise, but I will accept it anyway in the spirit of the moment.

I yield the floor.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak for up to 5 minutes, and further that Senator DORGAN have the 1 hour that has been allotted to him following at the end of my 5 minutes.

The PRESIDING OFFICER. Is there objection? Hearing none, without objection, it is so ordered.

Mr. BROWNBACK. Thank you, Mr. President.

RUSSIAN TRANSFER OF SENSITIVE TECHNOLOGY TO ROGUE NATIONS

Mr. BROWNBACK. Mr. President, today's article from today's Washington Post is yet more indication, unfortunately, of the bad faith with which Russia has been dealing with us on the transfer of sensitive technology to rogue nations, particularly, dual use and missile technology.

I am on the Foreign Affairs Committee and chair the Middle East Subcommittee. And something that has been very troubling to me is the introduction into the Middle East, particularly into Iran and into Iraq, of technology that can be used for missile development, for use of the delivery of weapons of mass destruction, even the development of weapons of mass destruction like biological warfare, biological and chemical warfare weapons.

Evidence was in the Washington Post, again, today, that once again—not just the first time—but once again Russian companies, with links to the Government, were involved in violating the U.N. authorized embargo on sales to Iraq of dual-use equipment. And this is outrageous. And it is preposterous that they would be doing it.

The transfer to Iraq—which is a rogue nation, with a leader who does not operate under internationally recognized civilized codes—of any dual-use technology is unacceptable. And yet once again today we have another example.

The transfer of equipment, such as the fermentation equipment, which was alluded to today, which can be used to develop biological weapons, and the possible collusion with the Iraqis against UNSCOM to hide technology and weapons, is proof of a cynical bad faith which is untenable. If this information is true—and I am told it is well grounded—the Russians are making a mockery of a very serious issue, and, more importantly, they are putting U.S. forces at increased risk.

This type of behavior has immense implications for a policy towards Iran as well and the administration's efforts to curb these sales of equipment that can be used to deliver or to develop weapons of mass destruction. This cynicism should not be rewarded.

I understand that we have been holding up Senate bill 1311, the Iran Missile Proliferation Sanctions Act, in deference to the Russians to give them time to prove their good faith and in deference to the Vice President's meeting with them in March. In view of the latest developments and this information, I believe such deference is misplaced. I request that Senate bill 1311 be moved up on the Senate calendar. I will make that request known to the leadership and ask that they proceed forward because this ''good faith'' that we are offering has obviously been received in a way of making bad-faith steps by the Russians and is further proof today this cannot be allowed to continue. Every day it is allowed to continue, more and more U.S. lives are at risk. It cannot be allowed to continue.

I yield the floor.

Mr. MCCAIN. I ask unanimous consent to address the Senate for 10 minutes as in morning business. I do that with the agreement of the Senator from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

SITUATION IN IRAQ

Mr. MCCAIN. Mr. President, the Secretaries of Defense and State have been pursuing political support, both in the Congress and among our allies, for the use of military force against Iraq.

I come to the floor today to express my support for a military strike against Iraq and to urge our colleagues and our allies to join us in supporting our troops and our Commander-in-Chief. The unfortunate impasse which has precluded a full and conclusive Senate debate on a formal resolution of support should not be misconstrued. Clearly, when and if the time comes, an overwhelming majority in this body will support decisive action to end the threat to our security that Iraq continues to pose. Saddam Hussein should have no doubt about that.

We in government are frequently accused of demonizing our enemies in order to garner popular support here at home for the kind of actions we are currently contemplating with regard to Iraq. President Bush was accused of doing precisely that during Operation Desert Shield. There is a considerable wealth of information pertaining to Saddam Hussein's years in power, though, that clearly indicates that we are dealing with as ruthless and brutal a dictator as exists anywhere in the world today. That is not demonizing an individual; it is accurately describing a man with the moral and ethical foundation required to employ chemical weapons against his own population; to assassinate any and all political rivals; to have his own sons-in-law executed; to massacre Kurdish populations in the north and Shiite communities in the south; to invade Kuwait and impose a

barbaric occupation of that nation; and to continue to threaten neighboring countries despite the open revulsion with which much of the world has reacted to his years of rule.

This is a regime that recognizes no restraint upon its conduct save that which is imposed by force of arms. As I have repeatedly stated here on the floor of the Senate, the actions for which Saddam Hussein must be held accountable represent nothing more than what is expected of any country that seeks to exist within a community of civilized nations. The Government of Iraq has imposed untold hardships on its people solely so that it can continue to develop and stockpile weapons of mass destruction—weapons that it has no moral compunction about using at the earliest opportunity and against any nation or segment of society.

Linkages are repeatedly made between the U.S. posture toward Iraq and our role in the Middle East peace process. Mr. President, that argument cries out for denunciation at the highest levels of every government. We may not like the way every policy of or tactic by the democratically elected government in Israel, but the physical pain and psychological trauma that afflicted Israel as a result of completely unprovoked missile attacks by an Iraqi regime seeking to tear asunder the multinational coalition arrayed against it and Tel Aviv's refusal to retaliate despite ample justification for doing so stands in strong contrast to the Government of Iraq. There is no basis for comparison, and U.S. policy toward Iraq should not legitimize the perception of linkage by deferring to it.

The United Nations must enforce its resolutions and do so with conviction. And this body must acknowledge that only the United States possesses the capability to conduct the kind of military operations most of us agree are warranted and essential. That means conveying to the President, to the American people, and to the world, the message that Congress stands firmly behind the Commander-in-Chief in carrying out his responsibility to ensure that the threat to regional stability posed by Iraq is not permitted to endure in perpetuity.

Mr. President, we should make clear to the American people and to the world that the Congress agrees with the proposition that evil should not be permitted to triumph. The United States must respond forcefully, far more so than it has in the past, to Iraq's unceasing provocations and it must adopt whatever measures will ensure the removal from power of the ruling regime in Baghdad.

We must prepare the groundwork for a process that may take years to bear fruit and that will certainly entail loss of life. Opposition forces friendly to and supported by the United States were badly decimated by Iraq's 1996 incursion into supposedly protected territory in northern Iraq. Survivors are understandably bitter and reluctant to cast their lot with us again. That is why the air and missile strikes we launch against Iraq must be decisive and not the kind of exceedingly limited response characterized by the 27 cruise missiles launched against targets unrelated to that violation of the northern exclusion zone.

We must support a long-term operation involving opposition forces trained and equipped to conduct a successful revolution. This is not an easy course that I and others are recommending. But it is the only viable approach to removing a threat to the most volatile region in the world—a threat that could include the brandishing of chemical, biological, and some day, nuclear weapons. That is not a situation any of us want to see develop. But develop it will, if we do not act to prevent it.

Mr. President, I am confident the Congress will soon have the opportunity to express formally its support for the use of force to respond to that threat. Were there another way, I would gladly accept it, but experience teaches that there is not. I would never want to see myself viewed as beating the drums of war, but I would rather live with that image than look into the mirror and see a Member of Congress who failed to do his duty of supporting our troops in harm's way and our Commander-in-Chief in taking the kind of measures I sincerely believe are necessary to resolve the Iraqi problem once and for all.

Mr. President, I again express my appreciation for the courtesy of the Senator from North Dakota in allowing me to make this statement.

I yield the floor.

Mr. DASCHLE. Mr. President, I want to thank the distinguished floor leader of the Democratic caucus, the Senator from North Dakota, for allocating this time to talk about something that is very important.

I also want to commend as well the Senator from Arizona for his comments about Iraq. Certainly his experience and his leadership for these many years carries special weight with people on both sides of the aisle. I hope that we can continue to demonstrate the spirit that he has articulated today as we deal with this grave situation in that faraway place.

NEW SOLUTIONS FOR A NEW CENTURY: 1998 DEMOCRATIC AGENDA

Mr. DASCHLE. Mr. President, 10 days ago, the President delivered to Congress the first balanced budget in 30 years.

Yesterday we learned that the Federal deficit actually will be gone by the end of this year, four years ahead of schedule.

That remarkable accomplishment was set in motion five years ago, when congressional Democrats joined the administration to return fiscal discipline to Washington.

Because we did the right thing five years ago, our economy is stronger today than it's been in a generation.

Our foundation is solid.

Now we need to build on that foundation.

For the last six months, congressional Democrats have worked with the administration to develop a unified agenda for the American people. We talked a lot about what the options were, and what our priorities should be. After a great deal of deliberation, we agreed on a series of proposals that merit—that really demand—our action this year.

This morning, House and Senate Democrats met with the President and the Vice President and senior White House officials to ratify those proposals and begin the process of translating them into action, to confront real problems facing the American people with real solutions.

We call our agenda ''New solutions for a New Century.'' These proposals address the most urgent concerns facing the American people today. We want to reach across the aisle and work with our Republican colleagues to adopt them this year.

We need to increase the take-home pay of America's families. By breaking the wage cycle that continues to pay working women 71 cents on every $1 that a man earns. By making child care safer and more affordable. And by raising the minimum wage by $1 an hour over the next 2 years.

We need to make America's public schools the best in the world. By hiring 100,000 new teachers so we can reduce the average class size to 18 students per classroom in the first three grades. By making sure that every school in America is connected to the Internet so that computer screens are as common in classrooms as blackboards. And, by helping communities repair or replace school buildings that are overcrowded or obsolete or downright dangerous.

We also need to protect our children this year from the deadly epidemic of smoking. We need to say that the days when tobacco companies can spend millions of dollars to get kids hooked on cigarettes are over. From now on, they will pay to keep kids away from cigarettes.

America's families need to know their health insurance will be there when they need it, that they can go to a hospital emergency room when and where they need to. They need to know they can see a medical specialist if they need one. And they need to know that the things they tell their doctor in confidence will be kept confidential. We can give them that peace of mind this year by passing our Patient's Bill of Rights.

America's families need to be able to plan for their retirement. They need stronger private pension plans that are portable and protected. They deserve assurances that Medicare and Social Security will be there when they need

them. And early retirees and older displaced workers who have no way to buy private health insurance on their own deserve the opportunity to purchase health insurance through Medicare.

Finally, we need to make our neighborhoods safer this year. And we will. By helping communities create after-school safe havens to keep kids out of trouble. And by creating special juvenile courts and toughening the Federal penalties for gang violence so that the kids we can't reach, the hard-core few who are violent repeat offenders, will be locked up for a long time.

A sound economy, stronger schools, a secure retirement, safe neighborhoods. That is the Democratic agenda for America's families. They are not sound bites; they are sound policies. They are new ideas for a new century.

Today, we pledge to do all that we can to enact these new ideas into law and make a real difference in people's lives.

We have little time left in this Congress, Mr. President, to deal with this and all of the leftover elements of the agenda from last year. But let us be clear, we need to finish our unfinished business—the highway bill, IRS reform, strengthening family farms, and reforming our campaign finance system. We need to finish that business and pass this agenda this year.

Our economy is strong. Our foundation is solid. Now, brick by brick, we need to keep building to take this prosperity to the next level and give people the tools and the opportunities to make their lives better in a new century.

Mr. President, I want to reiterate my gratitude to the Senator from North Dakota for assuring that we could allocate the time for this very important discussion.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I thank the Democratic leader. He has provided extraordinary leadership to this caucus and this Congress. The document that we developed over time and announced today with the President, the Vice President, Senator DASCHLE, Congressman GEPHARDT, and the joint Democratic caucuses of the House and Senate is one that I am enormously proud of and one that, if enacted, would substantially improve this country.

We come here, almost all of us, Democrats and Republicans alike, because we have a passion for public policy and feel very strongly about a range of issues and how those issues might affect our country's future. While we might have substantial differences in how we go about achieving certain goals, I think all of us understand that we sit in this Chamber as American citizens in a democracy wanting the best for our country. The question is, how do we achieve that? How do we achieve the goals that we establish for our country's future?

Senator DASCHLE mentioned the things that we have accomplished, the things that we have yet to do, the fiscal policy. I can recall, going back 5 years to 1993, when we had a very, very significant debate on the floor of the Senate about fiscal policy, what kind of policies would put this country back on track, heading in the right direction; what kind of policies would continue us in the direction that we had been moving in with higher debt, higher deficits, higher unemployment, higher inflation. So we had a significant debate about it. Those of us who felt very strongly that there was a better way and a better direction won by one vote—one vote here and one vote in the other body. A margin of one vote determined the new fiscal policy for this country. It was a tougher fiscal policy. It wasn't words; it was action. So it was controversial. For some, it was difficult. Some of my colleagues who voted for it are not here any longer; they lost their seats in Congress because of it. But it was medicine to cure what was wrong in this country's fiscal policy and to put this country on the right course. And it worked.

It substantially reduced the Federal budget deficit. It told all the American people that there was a new group of Members of Congress, a new President who said there is a better way and a different way, and we are going to tackle this fiscal policy and tackle the Federal budget deficit and change things. It's very interesting that, because this economy rides on a cushion of confidence, when we made that decision, the American people were confident about the future once again, and when they are confident, they make decisions like buying a home, buying a car, taking a vacation, buying a new refrigerator. When they are not confident about the future, they don't make those purchases and they don't make those decisions. When they feel like that, the economy contracts. When they feel confident about the future, the economy expands. Because the economy has expanded and because people have had more confidence, this budget deficit has shrunk. It is down, down, down, way down. We will balance the budget.

Crime is down, unemployment is down, inflation is down, welfare is down. All of the things that are important in our lives about how we are doing in this country show signs of substantial improvement and show signs that this country is moving in the right direction.

I want to make one other point about fiscal policy and some of the other problems we face. In our agenda, we talk about Social Security—''save Social Security first,'' the President proposes. And ''save Social Security first,'' we propose as a caucus. Some wring their hands every day of the week about Social Security. Some never liked it in the first place. Some think it doesn't work and they wring their hands and say, ''Woe, what are we to do with Social Security?''

I want them to understand, as many Americans do, that the Social Security problem that exists is born of enormous success. We would not have a problem financing Social Security for 150 years if we went back to the old mortality rates. In the 1930s, you were expected to live to age 63 in this country. Now you are expected to live, on average, to about 77 years in America. Why? Because we have done a lot of good things in this country. We have invested in health care, technology, and breathtaking medical research. Now people, when they reach a certain age and their knees wear out, they get new knees, or they get new hips, or have cataract surgery, or their heart muscle is unplugged on an operating table. Some people may be worth a million dollars after all that medical help. But the point is that people are living longer and better lives, and all of these problems are born of the success of greater longevity. Does that cause some pinching in Social Security and Medicare in the long term? Yes, but it is not catastrophic. Adjustments can be made that are not significant, which will provide solid, assured financing for Social Security and Medicare for the long term.

That is what this President says. As we tame the fiscal policy deficits, and as we begin to accumulate surpluses, let us use those surpluses to save Social Security first. Those who believe that is not a wise course, those who believe that is not appropriate fiscal policy, come to the floor of the Senate, because we are going to have a healthy and aggressive debate about that. Many of us feel very strongly that it is precisely what this country ought to do. We have tamed the Federal deficit. Now let's make the right investment. And the first commitment ought to be to save Social Security first.

Now, within the context of other spending we do in the budgets and other investments, there are other things we can do. I know we will have Members who don't want to do anything. They have never wanted to do anything. I mean, there are people who have said there is no role for Government. There are people who put seatbelts on when they drive through a car wash. They're so conservative they don't want to do anything ever. Much of what we have accomplished in this country has been because we have made the right kind of investments.

This proposal that we have developed jointly says that one of those investments that is very important is in the area of health care research down at the National Institutes of Health, where breathtaking, new medical research occurs. We are saying we can invest substantially more money and you can, as a result of that, save an enormous amount of money and save lives and improve the lives of the American people. I am very excited about that. What better investment is there in this country than to invest in the kind of medical and health care research at the

National Institutes of Health which has provided breakthroughs in medicine that have allowed people to live much longer and more productive lives?

Another investment that the President and we call for in our joint policy message is an investment in education. Education is our future. Our children are our future. Investment in our children represents our tomorrow. We talk about investing in schools, investing in good teachers, and deciding that we can do this country a significant amount of good by understanding that the priority is educating our children. Thomas Jefferson once said, ''Anyone who believes a country can be both ignorant and free believes in something that never was and never can be.'' He was right about that 200 years ago. The reason this country has done so well is because we have always established that education is a priority. It must remain a priority, and that is what our caucus and our policy choices are committed to doing.

A couple of other items—and I don't want to cover them all because some of my colleagues will cover some. Teen smoking is part of our agenda. We need to end that, to combat teen smoking. You have all heard the message that you don't find people deciding at age 25, as they sit around in a recliner thinking about life, or wondering what on Earth can I do to further enrich my life, or what is missing from my life, and they come up with the answer: Smoking; I would like to start smoking. Nobody does that at age 25 or 30. If you are not smoking by the time you are a kid, you are not going to be a future user of tobacco.

The tobacco companies have always known that, and that is why they have always targeted their future customers, who are the children. Does anybody know anybody who is 25 or 30 years of age who says, how can I enrich my life further? and then comes up with the answer that I would like to start smoking? Nobody does that. We also understand that we can save lives by combating teen smoking, and there are plenty of ways to do that. A thousand kids a day will die—3,000 kids a day will start smoking, and a thousand will die of that cause. We can save lives with a national campaign to combat teen smoking.

Drunk driving. This agenda of ours also deals with the question of drunk driving. That is not some mysterious illness or disease. We know what causes fatalities on the roads—drunk driving. Everyone in this Chamber and every family represented here knows that—friend, neighbor, relative, acquaintance. I am not even very logical about this question. The night that I got the call that my mother had been killed by a drunk driver, I'll never forget the moment, and I'll never forget how I have felt from that day forward. People who drink and drive turn automobiles into instruments of murder. The fact is, it's not just the .08 we are going to debate, the question of when are you drunk. There are six States in this country where you can get behind the wheel of a car and take a fifth of whiskey in one hand and the steering wheel in the other and drive off, and you are perfectly legal. That ought not happen anywhere in America. We can change that. There are some 20 States in which, if the driver can't drink, everybody else in the car can be drinking. Vehicles on roads in this country ought not to have open containers of alcohol in them, period. That is something we can address in this Congress.

Finally, campaign finance reform is also part of what our caucus is committed to doing. There are a lot of discussions about what pieces will work and what pieces will not work with respect to campaign finance reform. I want to describe one little piece that I think is important. The most significant kind of air pollution in America today is the 30-second political ad that does nothing but tear down someone's opponent. It is a 30-second slash and burn, cut and run ad that contributes nothing to our country. The first amendment gives everybody the right to do that. We won't change that. But there is a little thing we can change. We can, by Federal law, say that every television station is required to offer the lowest rates on the rate card during political advertising during a certain period. I propose that we change that law to say that low rate is only available to candidates who run advertisements that are at least 1 minute in length. Let's require people to say something significant in one in which the candidate himself or herself is in the advertisement 75 percent of that 1 minute.

Some people may not like that. I do. Can you think of any other business, other than American politics, where the competitor says—for example, can you conceive of a car company who does all of its advertising saying: By the way, if you buy a Chevrolet, you are going to kill yourself because they are not safe; or fly American, or United, or Northwest and, by the way, their mechanics are a bunch of drunks. Do we see that in any other part of our lives? No. That is not the way commercial enterprises compete against each other. But it is the way we compete in politics. Shame on us. We can change that. It ought to be a competition of ideas and about what we want for the future of this country. I hope one of these days we can have campaign finance reform that gets to that point. But at least a little proposal I am suggesting, on top of all of the other things that we are talking about in campaign finance reform as a caucus, might finally stop some of this air pollution or at least lessen the pollution that permeates every campaign in this country.

Then there is food safety, clean air, and clean water. Our caucus stands for things that are positive in the lives of the American people. Some say they want to debate politics with the same old stereotypes. Unfortunately, it won't work anymore. To those who say, ''There are the good guys, and there are the tax-and-spend people,'' I say that doesn't work. Our caucus, in this Congress, with this President, made a decision that we were going to do some awfully important things to put this country back on course, and we did it—at great cost and expense to our caucus. But the American people, 5 years later, see the results for this country of what we have done. We say that the job isn't finished. There is much to do to make this a better country. That is the purpose of the message and the purpose of the set of public policies that tell the American people: Here is why we are here and what we want to fight for to improve America's future.

I yield the floor to the Senator from Connecticut, Senator DODD.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Thank you, Mr. President. Let me commend our colleague from North Dakota for a very eloquent statement and the Democratic leader, Senator DASCHLE of South Dakota, for laying out one of the primary objectives of a Democratic agenda for this session of the 105th Congress.

I think there are issues that ought to enjoy and attract strong bipartisan support—sustained growth in our economy, a balanced budget, a growing surplus, and investments in the educational and health needs of young people. I certainly hope that on managed care issues, in particular, we can find consensus—making sure that people across this country have the right to choose their own doctors and are not going to be forced out of the hospital prematurely. A bill of rights for patients is something that is long overdue. I know that the people of American are hoping that this Congress will address these issues before we adjourn.

I want to commend those who are responsible for putting this agenda together and to address a few aspects of it more fully.

Shortly we will be hearing from our colleague from North Dakota, Senator CONRAD, who has led a task force over the past several months to fashion a bill to deal with the difficult issue of tobacco use by young people—a bill which I was pleased to cosponsor. As Senator DORGAN just discussed, the facts on youth smoking are not in controversy—3,000 young people start smoking every day, and 1,000 of those will die prematurely.

This is an issue that ought to unite Americans regardless of political persuasion or ideology. We all pay when children become addicted to tobacco. It is not just the children who pay with abbreviated lives that might have produced far more for themselves, for their families, and for their Nation. But all of us in a sense suffer when we, by our silence, by our inaction promote or at least don't try to retard the

growth of a problem that so negatively affects young people. So, I am hopeful in these few legislative days we have remaining, we will do something meaningful to reduce the harmful impact of tobacco on the children in this country.

We all know that a tax increase, which makes tobacco less affordable, is one of the ways to do that. I'd like to cite some facts from a recent survey done in my State—in Fairfield County, CT. This county is a one of great affluence—it contains the towns of Greenwich and Westport some of the more affluent communities in the Nation. It is also a county that is the home of Bridgeport, CT, one of the poorest cities in the Nation. In a relatively small area of geography, you have great diversity in income.

This survey looked at young people's smoking habits. Interestingly, about 30 to 35 percent of the young people in the more affluent suburbs in the communities of Fairfield have already begun to smoke or abuse alcohol. In Bridgeport, however, the percentage of teenagers was much lower—10 to 13 percent. Why? There are many factors, but, clearly economics play a major role. The people who conducted this survey concluded that money does make a difference—that the ability of a teenager to buy a pack of cigarettes actually does affect the likelihood that he or she will smoke.

Senator CONRAD has included in his bill a tobacco tax of $1.50—the amount that public health experts tell us is necessary to effect a decrease in youth smoking. Senator CONRAD has also laid out a plan for making use of the revenue raised by this increased tax on tobacco. I suspect that I was somewhat of a pest over the last 72 hours as he was getting ready to introduce this bill—in making repeated suggestions about how he could best make use of those funds. I am very pleased that Senator CONRAD will be directing $14 billion of the revenues—of the $80 billion that will be generated in the next 5 years or so—toward improving the affordability, availability and quality of child care.

My colleagues know, going back during the years of my tenure in the Senate, that I have spent a lot of time advocating for children's issues, particularly child care. So, I am deeply, deeply grateful to my colleague from North Dakota for agreeing to allocate such a substantial part of these dollars to the needs of children. I know my colleague from Rhode Island, JACK REED, who was one of the first cosponsors on our comprehensive child care bill introduced last week and an active member of the Democratic Strike Force—Right Start 2000 that we formed in the Senate here to focus on children's issues, joins me in expressing our appreciation.

While we are on the topic of child care, Mr. President, I'd like to share with my colleagues some new findings in the child care debate that relate to the issues of the cost and quality of child care.

Mr. President, after we passed the welfare reform package in 1996 I asked the General Accounting Office if they would do a survey of States and give us some idea of how this law would affect the child care needs of families in this country. The GAO, just in the last few days, completed its survey and issued a report to the Subcommittee on Children and Families, of which I serve as ranking member.

Let me just briefly share some of the conclusions of this GAO study about how welfare reform is affecting not only welfare recipients, but also working families. I think these findings highlight why the allocation that the Senator from North Dakota has directed to children's needs in his tobacco bill is so critically important.

This report's findings are based on a survey of several States—California, Louisiana, Oregon, Texas, Washington, and Connecticut. First, let me offer the good news. According to the GAO States have done a very good job in meeting the needs of welfare recipients. Most families who need child care assistance in order to begin to enter the workplace are receiving it. Now, for some of the bad news. In order to help all of the welfare recipients, States had to severely limit the access of working families to child care subsidies. People who are right on that margin—not on welfare, but just over the line—are not getting the assistance they need.

The survey indicates that access of working families to subsidies has been severely curtailed. Even if States draw down all of the Federal funds available, more than half—52 percent of working families in this country who need affordable child care—will be denied it.

In Texas, one of the seven States surveyed, this means that over 37,000 working families remain on waiting lists for child care assistance. In California, even more dramatically, 200,000 working families are on waiting lists for child care assistance—some for over 2 years. Tragically, in my State of Connecticut, we just stopped pretending. We don't even keep waiting lists for new families.

In this survey, the States also told the GAO about severe problems with the availability of child care. As we have known for years, certain types of care are not available at any cost—infant care, care for children with disabilities and care during nonstandard work hours.

The GAO found that States are particularly concerned that the work participation requirements of welfare could exacerbate the shortage of infant care. Under welfare reform, mothers with children over the age of 1 are told they must work. Some States have chosen even tougher standards. In Wisconsin and Oregon, mothers with children older than 3 months must work. I find it somehow ironic that we now have Republican legislation pending that would offer incentives for parents to stay home with children under the age of 3 years—a wonderful idea—but yet we have in place a work requirement for welfare recipients with children over 3 months in some States.

In many communities, child care for very young children is so limited that parents must sign up while they are still pregnant to have any chance of finding that care at all.

Welfare reform is also exacerbating, according to GAO, the lack of child care during nonstandard work hours. Many welfare parents are finding jobs in service industries where shift work is required. Yet in most communities child care on weekends or after 6 p.m. is nonexistent.

When it comes to improving the quality, it is clear that States are making an effort. States are trying to improve provider training, to incresae provider compensation and to help facilities meet licensing standards, but they are still concerned that they are falling short. They are concerned, and rightly so, that as work participation requirements rise, quality may be compromised.

This report is not about blaming the States. They are doing the best they can with a very big job. This is not about pitting welfare recipients against working families in the battle for limited child care dollars. It should be about making sure that the Federal Government provides sufficient resources so that parents who need safe and affordable child care in order to work can find it in this country.

Senator CONRAD's bill and the $14 billion in funding that it will provide will go a long way towards meeting those needs. I am pleased that the Senator from North Dakota has included in his tobacco legislation language directing these funds to the programs outlined in the Child Care A.C.C.E.S.S. bill which I introduced last week. I think it will go a long way toward ensuring that working families are going to get the kind of child care assistance and support they need.

Again, I want to say to my colleague from North Dakota that I commend him immensely for the tremendous job he did, and I apologize to him publicly for being the source of some annoyance to him as I tried to get more money out of him for child care over the last several days. He very generously doubled the investment in child care from $7 billion to $14 billion. I thank him for that. Hope springs eternal. There may even be some additional resources made available for child care as we go through this debate. I am grateful to him and members of the tobacco task force for their attention to the needs of children and child care in their legislation.

Mr. President, I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to thank my colleague from Connecticut for his gracious assistance, as we move to introduce the tobacco legislation. I also want to thank him for his

forceful advocacy. That is what this place is all about. And there is no more forceful advocate for children in this Chamber than the Senator from Connecticut, Senator DODD. He cares deeply about this subject. He fights for what he thinks is an appropriate allocation of resources to make the changes that are desirable.

So it is not a matter of irritation. It was a matter of tough negotiation, and he is a darned good negotiator. Anybody who is able to increase an allocation they care about by 100 percent—there is only one person in that category: The Senator from Connecticut. But it was for a good cause, and we very much appreciate his support for the legislation.

(The remarks of Mr. CONRAD, Mr. REED, Mr. KENNEDY, and Mr. BAUCUS pertaining to the introduction of S. 1638 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield to my very, very good friend, the distinguished senior Senator from West Virginia who is the ranking member of the Appropriations Committee and has held more titles around here than I can think of. It is an honor to yield to him.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Senator. Mr. President, how much time do I have remaining under my reservation?

The PRESIDING OFFICER. The Senator from West Virginia has 35 minutes remaining of his reservation.

Mr. BYRD. I thank the Chair. I may or may not use all of that today. Whatever I use at this point, I ask that it be taken off my time that has been reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank my friend, and I will be about 5 minutes.

SENATOR SPECTER'S 68TH BIRTHDAY

Mr. BYRD. Mr. President, it is an unfortunate fact of life in today's Senate that, as Members go about the business of fulfilling their duties, it is increasingly difficult to find time in our hectic schedules to acknowledge the personal milestones of our colleagues. I intend to rectify this situation in part today by taking just a few minutes to congratulate my friend from Pennsylvania, Senator ARLEN SPECTER, on the occasion of his 68th birthday.

Oh, Mr. President, only to be 68 again. Oliver Wendell Holmes said, ''Oh, just to be 70 again.'' Well, I feel very much in that same mode.

Born in the prairie town of Wichita, Kansas, at the start of the Great Depression, ARLEN SPECTER, through the diligent application of his intellect and his tenacity, has become the 1,750th individual to serve this great nation as a United States Senator.

Mr. President, Senators serve with Presidents. I hope Senators will remember that. Senators don't serve under Presidents. Senators serve with Presidents. President is another office, a high office, indeed, in the executive branch. But Senator SPECTER is the 1,750th individual to serve this great Nation as United States Senator, and he has served with Presidents in both parties.

Woodrow Wilson reportedly said, ''The profession I chose was politics; the profession I entered was law. I entered the one because I thought it would lead to the other.'' Mr. President, I do not know if, in Senator SPECTER's case, he came to the same conclusion or if politics was for him a natural calling, but whatever the case, the melding of politics and law in the person of this thoughtful, soft-spoken Pennsylvanian has resulted in an inspired result for the people of the Keystone State.

A graduate of the University of Pennsylvania and Yale University Law School, ARLEN SPECTER began his remarkable public career as an assistant district attorney in Philadelphia, where he won the first conviction in the Nation of labor racketeers, fought consumer fraud, and relentlessly prosecuted corrupt public officials. That willingness to take on the tough fights, no matter where they might lead, has become the hallmark of the senior Senator from Pennsylvania, Mr. SPECTER.

But dogged pursuit of righting criminal wrongs is only one facet of ARLEN SPECTER's many-faceted character. As a Member of the Appropriations Committee in the Senate, Senator ARLEN SPECTER has worked long hours, and with great determination, in an effort to see that Federal dollars are wisely usedto combat breast cancer, prostate cancer, heart disease, and Alzheimer's disease. Indeed, I believe it is fair to say that my friend from Pennsylvania takes a second seat to no one when it comes to his commitment to doing all that he can to provide a better, healthier life not only for those whom he represents in Pennsylvania, but also for all Americans.

Mr. President, it is this fortuitous combination of legal acumen, tenacity, and compassion for the difficulties of others that has made ARLEN SPECTER a highly-respected Member of this body, one whose counsel is so valuable to all who know him and work with him. As Henri Frederic Amiel noted in his Journal on April 7, 1851, ''man becomes man only by the intelligence, but he is man only by the heart.'' Senator SPECTER is a superior example of what Henri Frederic Amiel meant by that pronouncement. So I offer my friend and colleague my heartfelt congratulations, and also my thanks to him for his wisdom, his character, and his decency on this day which marks the beginning of his 68th—almost the beginning—I suppose it is the beginning of his 68th year. Oh, but to be 68 again.

So I say to my friend from Pennsylvania:

The hours are like a string of pearls,
The days like diamonds rare,
The moments are the threads of gold,
That bind them for our wear.
So may the years that come to you
Such wealth and good contain
That every moment, hour and day
Be like a golden chain.

Mr. President, I thank my friend from Montana for his kindness in yielding to me. I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I join my colleague in congratulating our friend, Senator SPECTER from Pennsylvania, on his 68th birthday. I have watched Senator SPECTER over the years, and I can say I do not think there is a Senator with a finer legal mind than the Senator from Pennsylvania, particularly from a criminal law perspective, constitutional law perspective, and a prosecutorial perspective as a former prosecutor in Pennsylvania.

He brings to this body tremendous experience and tremendous judgment. And I join my colleague in wishing our colleague from Pennsylvania the very best returns on his 68th birthday.

THE NEED FOR ISTEA

Mr. BAUCUS. Mr. President, I rise today, along with my colleagues, to urge the Senate to begin the debate on the ISTEA reauthorization bill.

That is important for a number of reasons, that I will get to in a moment. But first let me comment on why we find ourselves in this position.

As my colleagues know, the current ISTEA legislation expired on September 30th of last year.

The Environment and Public Works Committee, under the leadership of our chairman Senator CHAFEE and our subcommittee chairman Senator WARNER, reported the 6-year reauthorization bill on October 1.

About that same time, the House Transportation and Infrastructure Committee reported a stop gap 6-month extension. Unfortunately, as we all recall, the Senate bill got caught up in an unrelated debate over campaign finance reform.

So, regrettably, last session ended with the Congress—both House and Senate—unable to complete action on a long-term bill to reauthorize this important legislation. The best we could do was to extend the funding until May 1 of this year.

Now, there is plenty of blame to go around for this unfortunate situation. Whether it was the failure to invoke cloture, or the filling of the amendment tree, which prevented Senators from offering amendments, there were lots of reasons for our failure last year.

But that was then, and this is now. And the plain fact is that pointing fingers at one another about what did, or did not, happen last year will not help us move a reauthorization bill this year.

So let us stop blaming one another for last year and let us start figuring out how to get the ISTEA legislation reauthorized quickly this year.

Now, Mr. President, let me talk about why we need to move quickly with ISTEA. The simple fact is that without quick action, highway projects, safety programs, and transit projects will begin to lose the ability to meet our country's transportation needs.

Already State highway officials tell us that they are beginning to delay projects. Why should this be so?

Why are States slowing down, or stopping, some projects—even though there are still 42 days of funding left until the May 1st deadline?

The reason is that most highway projects take a long time to complete. It is not unusual for even relatively simple projects to take three, four or five years to finish. Sometimes even more. And complicated or controversial projects, such as the Central Artery in Boston, can take a decade or two to go from conception to completion.

In the highway business, you don't start a project unless you know you will have the funds to complete it.

After all, these projects cannot be turned on and turned off like a faucet. Doing so wreaks havoc on the construction itself, on the neighborhood, on traffic congestion, and so on.

Because these projects extend over many years, they require a certainty in funding that extends over a comparable period. That is why highway bills need to last for several years. ISTEA ran for 6 years. The Senate-reported bill also lasts for 6 years. This time provides a good sense of stability to the financing of projects and allows states and communities to plan their transportation programs efficiently.

But a short-term extension gives you uncertainty, not stability. Especially for large projects, if states cannot assure that Federal matching funds will be available to finish it, they won't even start it. So they delay projects, even if there may be a few weeks of funding left.

At the end of my remarks, I will list a few of the States that are beginning to delay projects. I hope my colleagues will pay close attention to it. Because the longer we delay a reauthorization bill, the longer this list will grow.

Now, let me talk for a few minutes about how the highway program works on the ground. And the process I will describe is essentially the same in every State.

Each project normally has three distinct stages—planning, development, and construction. Each stage can last from weeks to years, depending on the specific project. The charts I have here today focus on the project development stage, that is, the process of taking a project proposed by local government and getting it ready for construction.

As my colleagues can see, it is not simple. A highway project goes through a very complicated process.

The chart on my right shows the first phase—the ''survey phase''.

This is the part of a project where State Departments of Transportation do such things as prepare for public hearings; begin to draft environmental documents; collect soil samples; begin preliminary engineering; assess traffic noise impacts; begin subsurface utility relocation; and assess wetlands and water quality impacts.

The second chart, on my left, shows the ''design phase''. Here, States must prepare the design documents for a project. These documents include traffic access plans; wetland mitigation plans; review of soil samples for hazardous materials; and applications for water quality permits.

Of course, it also includes preparation of final construction drawings, route alignments, schedules of materials, and the like.

The third chart covers the ''right-of-way'' phase. In this phase, States prepare the final environmental documents; determine where rights-of-way must be acquired; determine utility relocations; determine final traffic access controls; obtain wetlands permits; and review all of the documents from the previous design phase.

And as I said before, all this must be done before one shovelfull of dirt is turned.

Now, Mr. President, I explain this process to my colleagues so that they can begin to understand the complicated nature of the highway program. Every project in every State must go through this type of process. In Montana, we have over 450 projects going through it. In States with larger transportation budgets, there can be as many as 1,500 projects in the pipeline.

No project can be ready to go to construction if it has been held up at any point in the development process. And States will not obligate funds to prepare a project for construction if they are uncertain they will actually be able to construct it at some point.

For some projects that are large and complicated, the project development process can be longer than others. But the typical development time for a major construction project can range from five to seven years. That is, it can take five to seven years for a project to reach the point that it is ready for construction.

Once a project is ready for construction, States must still advertise the project—which can take 3 to 4 weeks. Then States must receive bids, open the bids and award the contracts. That can take an additional 4 weeks. And workers, equipment and materials must be mobilized and brought to the construction site. More time.

Finally, there is the time spent on actual construction.

With such a complicated, time consuming process, it is important that Members of the Senate understand that even brief interruptions during project development can cascade into lengthy delays in construction.

That is why the ISTEA bill runs for six years, to give the States some assurance they will not face wasteful delays and disruptions caused by funding uncertainties. That is also why a short-term extension, or worse, a series of short term extensions, is so disruptive.

I have heard many Members ask ''what does it matter if we wait until late March or April to do this bill?''. I hope that once Members and staff become more familiar with this program, that will be a simple answer.

If we wait to begin the debate until ''later'', this bill will not be done by the May 1st deadline. That means more projects will be delayed. It means thousands of workers will lose jobs. And I am afraid that such job losses will begin to happen soon.

I have heard of one contractor who plans to lay off his construction workers on May 1st and will not rehire them until at least 30 days after the final conference report is agreed to.

That same contractor will not be placing any orders with his suppliers until 45 to 60 days after a new bill is in place because he is uncertain he will have construction contracts to work on. And I am confident there are more contractors throughout the country making the same business decision.

Mr. President, the hardworking Americans who lose their jobs because of these delays will do so through no fault of their own. These folks will be ready to show up for work every day and do a good job. And yet they will be told they must find other work because Congress couldn't resolve its differences and get the ISTEA bill reauthorized in time.

Every State will feel this pain. Yes, some will hurt more than others. But every State will have to delay projects.

As I mentioned earlier in my remarks, some States have already listed the projects that will most likely be delayed if a reauthorization bill is not signed into law by May 1st. These are real projects.

These are projects that communities were counting on. These are projects that are important for the safety and mobility of drivers and pedestrians and to relieve congestion in these States.

The States that have already made plans to delay projects include: Kentucky, South Dakota, Maine, Wyoming, Georgia, Nevada, Texas, Missouri, Oklahoma, Indiana, New Hampshire, Indiana, North Dakota and Utah.

More States are expected to announce their plans soon.

Mr. President, let's not treat the reauthorization of ISTEA as a political football. The consequences for all of our States are very real. For those Senators who doubt the impacts, I simply ask that they call their State Department of Transportation. Ask them what they plan to do in the coming weeks. I can assure you that it will not be good news.

So we have a very important job to do—to reauthorize ISTEA. Let's get to it.

I stand ready to work with the Majority Leader, with Senator DASCHLE, with my committee leadership, with Senators BYRD and GRAMM, with the Budget Committee and all my colleagues to find a way to bring this bill up as soon as possible.

Mr. BYRD. Will the Senator yield?

Mr. BAUCUS. I am happy to yield to the Senator.

Mr. BYRD. I thank the distinguished Senator for his remarks on this very important subject. I sat and listened to them. I found them to be very illuminating, very interesting, very informative and refreshing.

I have been around a good many years. I didn't realize all of the steps, the lengthy process, the consumption of time that is required from the alpha to the omega of planning and completing the highway. This has been most edifying to me as I have listened. I thank the Senator.

I recommend to all Senators that they read in the CONGRESSIONAL RECORD the statement that has been made today by Senator BAUCUS. He sits on the authorizing committee, and he has had an opportunity because of the jurisdiction of that committee over highways, he has invested many years in the study of this subject matter, and it is a real privilege to have him part of the Senate. I thank him for imparting to me, and I am glad I took the time and sat here and listened to him.

This vast knowledge—I am sure he could speak all afternoon on this subject without notes. I thank him. His comments have been very helpful. I hope all Senators will read these remarks in the RECORD and that Senators will join in cosponsoring the Byrd-Gramm-Baucus-Warner amendment.

If the Senator will allow me 10 more seconds, I ask unanimous consent that the following three Senators be added as cosponsors to the Byrd-Gramm-Baucus-Warner amendment numbered 1397 to the bill S. 1173, the Intermodal Surface Transportation Efficiency Act of 1997: Senator DODD, Senator BINGAMAN, Senator THURMOND.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished Senator.

Mr. BAUCUS. I thank my good friend from West Virginia. Nobody has worked harder on this issue than he. We all owe him a tremendous debt of gratitude for his very fine work.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A SEARCH FOR TRUTH WITH AN INDEPENDENT COUNSEL

Mr. MCCONNELL. Mr. President, I rise today to call attention to a serious and deeply troubling crisis in our country. This is a crisis of confidence, of credibility, and of integrity. Our Nation is indeed at a crossroads. Will we pursue the search for truth, or will we dodge, weave, and evade the truth?

I am, of course, referring to the investigation into serious allegations of illegal conduct by the President of the United States—that the President has engaged in a persistent pattern and practice of obstruction of justice. The allegations are grave, the investigation is legitimate, and ascertaining the truth—the whole truth, and nothing but the unqualified, unevasive truth—is absolutely critical. The search for truth is being led by a highly capable former Solicitor General of the United States and a former judge of the U.S. Court of Appeals for the D.C. Circuit, Kenneth Starr.

Mr. President, I am deeply troubled today because Judge Starr's pursuit of the truth is being undermined every step of the way, every single day, in the press by those whose sole mission is to attack and impugn the court-appointed independent prosecutor and the congressionally created process. These attackers are not the journalists or the broadcasters.

Mr. President, what troubles me the most here is that these reckless attacks and ruthless onslaughts are being carried out by the closest advisers to the President of the United States.

Just this past Sunday on Meet the Press, Paul Begala, Assistant to the President, accused Judge Starr of leaks and lies and called him ''corrupt.'' That is not a paraphrase, that is a direct quote. He actually used the word ''corrupt.'' The smear campaign is being orchestrated by the White House.

Obviously, I can't vouch for the truth or falsity of the obstruction-of-justice charges against the President. But what I can tell you is that the assaults on Judge Starr, the character assassination against the court-appointed independent prosecutor, is authorized and approved by the President of the United States. And it should stop.

The White House and the First Lady have announced that the President's problems are nothing more than a ''vast right-wing conspiracy.'' As many commentators have pointed out, this so-called conspiracy is so vast and so broad that it encompasses both the media and a White House intern.

But I would like to point out today that the vast and broad conspiracy just got bigger. Apparently, this vast right-wing conspiracy is so sweeping and so pernicious that, in 1993, it compelled a Democrat-chaired Ethics Committee in a Democratic-controlled Congress to appoint Judge Kenneth Starr to help investigate whether Republican Senator Bob Packwood should be expelled from the U.S. Senate.

Mr. President, let me refresh the recollection of the Senate regarding the 3-year Packwood investigation, which began in late 1992 and ended with Senator Packwood's resignation in 1995.

I was the vice chairman, and later the chairman, of the Ethics Committee during that investigation. As everyone will recall, that investigation was a very sensitive, personal and serious matter. It involved the allegation that Senator Packwood had ''engaged in sexual misconduct'' and ''attempted to intimidate and discredit the alleged victims, and misuse[d] official staff in attempts to intimidate and to discredit.''

During this lengthy investigation, Senator Packwood objected to the Ethics Committee's review of his personal diary entries in the fall of 1993. The committee proposed a process where the diaries would be reviewed by an independent hearing examiner who would serve two functions: First, the examiner would review the diaries to ensure that the committee would see all relevant and probative information. Second, the examiner was asked to protect the privacy interests of Senator Packwood, his family and friends.

The Ethics Committee had to choose a person who was fair, impartial, prudent, and trustworthy. Someone who wouldn't be on a vendetta against Democrats or Republicans; someone who had earned the clear respect of both parties; someone with the highest integrity; someone with a clean track record; a man with sound credentials, who was above reproach. And the Ethics Committee chose such a man.

They chose a man who was the son of a Baptist minister, a graduate of Duke University Law School, a former clerk for Chief Justice Warren Burger. The Ethics Committee—chaired at the time by a Democrat in a Democrat-controlled Congress—chose a man who was the former Solicitor General of the United States, a former judge of the U.S. Court of Appeals.

That man was Kenneth Starr.

Let me tell you who was on the committee at that time. The committee was chaired by my colleague from Nevada, DICK BRYAN. The Republicans on the committee included myself, Senator CRAIG and Senator BOB SMITH of New Hampshire. The other Democrats were my dear colleagues, Senator MIKULSKI of Maryland and the current minority leader, Senator TOM DASCHLE.

The matter was not quiet and secretive. The entire U.S. Senate knew who would be called upon to exercise impartiality, discretion, and judgment in a highly important and highly sensitive matter. We actually discussed this matter on the floor of the Senate because there was a needed Senate action to enforce the subpoenas. Senator Alan Simpson referred to Judge Starr as ''a splendid man,'' and ''a man of judgment, honesty, integrity, and common sense.''

Senator ARLEN SPECTER stated, ''Many people have spoken about

[Judge Starr's] integrity, and the committee has already endorsed his standing. . . . If Judge Starr makes a judgment, that is the judgment. That is it.''

My colleagues on the other side didn't object or dispute that notion. For example, Senator JOHN KERRY, of Massachusetts, voiced the consensus opinion when he declared on the Senate floor that ''Judge Starr is certainly a neutral party.''

And, it didn't stop with the Democratic-chaired Ethics Committee and the Democrat-controlled Congress. In 1994, the U.S. District Court in the District of Columbia had to choose someone to serve as a special master to help enforce the Ethics Committee's subpoena for the Packwood diaries.

The court had to choose a man who was fair, impartial, prudent, and trustworthy; again, someone who wouldn't be on a vendetta against Democrats or Republicans; again, someone who had earned the clear respect of both parties, and someone with the highest integrity, who was above reproach.

The court chose such a man, Mr. President. It chose the former Solicitor General of the United States and a former judge of the U.S. Court of Appeals, Kenneth Starr.

So, today, we examine the White House's ludicrous, self-serving claim of a ''vast right-wing conspiracy'' and find that the conspiracy has ensnared even more than we would have ever imagined. The ''vast right-wing conspiracy'' can now count as members the Democrat-chaired Ethics Committee in 1993 and the then Democrat-controlled Senate. And, lest we forget, the conspiracy can also count the Federal District Court for the District of Columbia as one of its members.

My point here, Mr. President, is simple: The attacks on Kenneth Starr are unfounded and unproductive. The attacks are, in fact, unconscionable.

Let me point out, as far as this crazy conspiracy theory is concerned, most people would agree that the Senator from Kentucky has fairly solid conservative Republican credentials. If somebody were engineering a ''vast right-wing conspiracy,'' I think I might have gotten wind of it. Furthermore, let me point out that I don't know Ken Starr. I do not recall ever meeting him in my 14 years in Washington. If he were a fire-breathing Republican ideologue, one would think that, as active in Republican politics as I have been over the last 15 years, I might have run into him someplace along the line.

The crisis in the White House is a crisis for our entire country. The crisis will only be resolved by a fair and sober search for the truth. It is clear from the record that Judge Starr is the right man for this job. I think that it is important for the President and his people to stop this smear campaign. Let Ken Starr do his court-appointed job and let the American people learn the truth, the whole truth, and nothing but the truth.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

THE DEMOCRATIC AGENDA

Mr. KENNEDY. Mr. President, I strongly support the legislative priorities announced today by President Clinton, Vice President GORE, Senator DASCHLE, and Congressman GEPHARDT.

These priorities contain a number of major Democratic initiatives to protect Social Security and to help working families across the country on key issues such as jobs, education, health care, and the environment. And I look forward to their enactment this year.

One of the pillars of our Democratic agenda is a commitment to raise the minimum wage by 50 cents in each of the next 2 years. Our proposal will increase the minimum wage from its current level of $5.15 an hour to $5.65 an hour on January 1, 1999, to $6.15 an hour on January 1 in the year 2000. In 1996, after a hard-fought battle in the last Congress, we raised the minimum wage by comparable amounts with no adverse effects whatever on the economy. The scare tactics about lost jobs proved to be as false as they are self-serving.

A recent study by the Economic Policy Institute contains documents that the sky hasn't fallen as a result of the last increase. Raising the minimum wage does not cause job loss for teenagers, adults, men, women, African Americans, Latinos, or anyone else. Twelve million Americans benefited from raising the minimum wage, and they deserve the increase that we are proposing.

To have the purchasing power it had in 1989, the minimum wage today would have to be $7.33 an hour. That figure is still well above the level that we are proposing. That fact is a measure of how far we have not just fallen short but actually fallen back in giving low-income workers their fair share of our extraordinary economic growth.

In the past 30 years, the stock market, adjusted for inflation, has gone up by over 100 percent while the purchasing power of the minimum wage has gone down by 30 percent. We know who these minimum wage workers are. Sixty-percent are women. Nearly three-quarters are adults. Half of those who would benefit work full time. Over 80 percent work at least 20 hours a week. They are teacher's aides, child care providers. They are single heads of households with children. They are people who clean office buildings in countless communities across the country working 40 hours a week, 52 weeks a year.

Minimum wage workers earn $10,712 a year, $2,600 below the poverty level for a family of three. Low-income workers don't just deserve a wage; they urgently need a raise. Nationwide, soup kitchens, food pantries, and homeless shelters are increasingly serving the working poor—not just the unemployed.

In 1996, according to a recent U.S. Conference of Mayors study, 38 percent of those seeking emergency food aid held jobs, up from 23 percent in 1994. Low-paying jobs are now almost the most frequently cited cause of hunger. Officials in 77 percent of cities cited this factor.

The American people understand the unfairness of requiring working families to subsist on a subpoverty minimum wage.

I look forward to the early enactment of the increase we are proposing. Twelve million working Americans deserve a helping hand.

In good conscience we cannot continue to proclaim and celebrate the Nation's current prosperity while consigning millions who have jobs to live in continuing poverty. No one who works for a living should have to live in poverty in the United States of America.

The second pillar of the Democratic agenda is the Patient's Bill of Rights on health insurance.

Few issues are more important to all working families than quality, affordable health care. Every family needs and deserves good medical care when a loved one is ill. Every family that has faithfully paid its premiums to its insurance plan deserves to receive the benefits the plan has promised. The American family knows that this promise is broken too often because unscrupulous insurance companies put profit ahead of patients.

In movie theaters across the country today audiences erupt in spontaneous cheers when the character portrayed by actress Helen Hunt explodes in frustration over the callous treatment that she and her son received from her managed care plan. The movie ''As Good As It Gets'' has been nominated for major academy awards.

But managed care today isn't receiving any awards, and neither is Congress for our lack of needed action to end these flagrant abuses.

The problems are obvious. Insurance company accountants should not be allowed to practice medicine. It is time to guarantee women the right to see a gynecologist. No breast cancer patient should be forced by health insurance plans to have a drop-by mastectomy when hospital care is needed. No patients with a rare or dangerous disease should be denied the right to be treated by a specialist. No child's health or very life should be at risk because a parent feels forced to drive past the nearest emergency room to a more distant hospital that is the only hospital covered by the group plan. No doctor should be subjected to gag rules, financial incentives, or financial penalties to prohibit or discourage them from giving patients the best medical advice. Reasonable review procedures should be available to anyone denied coverage or treatment by their insurance plan. Patients with an incurable

illness should be allowed to participate in clinical trials of new therapies that offer the hope of improvement and cure.

The Republican leadership has told the special interests to ''get off their butts and get out their wallets'' to fight any legislation that puts the interests of working families ahead of the interests of unscrupulous insurers. But with the President and the congressional Democrats unified for reform, I am confident that we will prevail and that our Patient's Bill of Rights will be signed into law this year.

A second health issue that is critical to millions of families is access to health insurance for those too young for Medicare but too hold for affordable private coverage.

Our Democratic agenda offers these families immediate health and hope. We propose to allow them to buy into Medicare at a price that is far more affordable than the private market offers, if it offers them any insurance at all.

Three million Americans between the ages of 55 and 65 have no health insurance. The consequences are often tragic. As a group they are in relatively poor health, and their health continues to deteriorate the longer they are uninsured. They have no protection against the cost of serious illness. They are often unable to afford the routine care that can prevent minor illnesses from turning into serious disabilities, or even becoming life threatening. The number of uninsured in this group is growing every day.

Between 1991 and 1995, the proportion of today's workers whose employers promise them benefits if they retire early dropped 12 percent. Barely a third now have such a promise. In recent years too many who have counted on employer commitment have found themselves with only a broken promise and their coverage canceled after they have already retired.

The plight of older workers who lose their jobs through layoffs or downsizing is equally grim. It is difficult to find a new job at 55 or 60, and it is even harder to a find job that comes with health insurance.

For these older Americans who are left out and left behind for no fault of their own after decades of hard work, Democrats are offering a helping hand. By allowing these workers to buy affordable coverage through Medicare, our Democratic proposal is a lifeline for millions of these Americans. It provides a bridge to help them through the years before full Medicare eligibility. It is a constructive step towards the day when every American of any age will finally be guaranteed the fundamental right to health care.

Our proposal places no additional burden on Medicare. It is fully paid for by premiums from the beneficiaries themselves and by savings from fraud and abuse.

Democrats will fight hard for this commonsense approach to helping older workers and their families. And Congress should respond.

In addition, on education, President Clinton and the Democrats in Congress have also made it a top priority to see that America has the best public schools in the world. We intend to do all we can to see that we have reached that goal.

Successful schools need a qualified teacher in every classroom making sure that children get the individual attention they need. That is why another main pillar of the Democratic agenda is to provide 100,000 new teachers for America's public schools. The shortage has forced school districts to hire more than 50,000 uncertified teachers a year, or ask certified teachers to teach outside their area of expertise. One in four new teachers dot not fully meet State certification requirements, and 12 percent of new hires have no teacher training at all.

In Massachusetts, 30 percent of teachers in high-poverty schools do not even have a minor degree in their field.

Our Democratic proposal will also encourage State efforts to reduce class size by providing additional teachers needed to fill the smaller classrooms.

Our proposal will also help schools meet their urgent needs for repair, renovation, modernization, and new construction.

Investing in schools is one of the best investments America could possibly make. For schools across America, help can't come a minute too soon, and our Democratic proposal provides it.

On key issues, such as the minimum wage, health care, and education, the Democratic priorities put working families first.

Our proposals are investments in a better life for all of our families and a better future for the country. Special interests will fight hard to keep these proposals from becoming law. But Democrats in Congress and the President will fight harder because we know that the American people are with us.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

IRAQ

Mr. LOTT. Mr. President, I believe that Senator DASCHLE will join me on the floor shortly because he and I would like to, in effect, have a joint statement with regard to Iraq because we want the message to be unambiguous, very clear to America and to our allies around the world, and to Iraq about our attitude and what our intentions are with regard to this very important matter.

I just had a call from Senator JOHN WARNER, who is in Russia today along with Senator CARL LEVIN. They are escorting Secretary of Defense Bill Cohen. They have already been to six countries since they were in Germany. I believe perhaps even the Senator from Arizona, the Presiding Officer, was there. They have gone throughout the Arab world, and now they are in Russia.

He tells me that he believes that when they return, Secretary Cohen and the two Senators will bring a great deal of helpful information to the Senate and to the American people about what they have heard in the Arab world and what they have heard from our allies in those areas' meetings. They believe that they will be able to answer some of the very important questions that Senators have been asking.

So we will look forward to their return.

I had hoped that we could get to the point where we could pass a resolution this week on Iraq. But we really developed some physical problems, if nothing else. Senator WARNER and Senator LEVIN would like very much to be a part of the discussion about what the situation will be and how we should proceed on Iraq. They would like to be here. And other Senators are necessarily not going to be able to be here beyond this afternoon.

So we have decided that the most important thing is not to move so quickly but to make sure that we have had all the right questions asked and answered and that we have available to us the latest information about what is expected or what is going to be happening with our allies in the world.

I was noting, I say to Senator DASCHLE, that I just talked to Senator WARNER in Russia, and he was telling me that Secretary Cohen and Senator WARNER and Senator LEVIN are looking forward to coming back and giving us a full report on their trip to the Arab world. Now they are in Russia today.

Mr. President, I have no doubt that the entire world is watching the current crisis between Iraq and the international community unfold. This is another showdown caused by Saddam Hussein.

The Iraqi dictator has decided that his weapons-of-mass-destruction program is more important than the welfare of his own people. At a time when we have been getting reports—in fact, we have seen children suffering from malnutrition—this dictator has been building $1.5 billion in additional palaces. He has already endured 7 years of sanctions so that he can develop biological, chemical, and nuclear weapons—and the means to deliver them.

This is a very serious matter. For some time we—and I mean America and our allies—have been working to develop a resolution on Iraq that has broad bipartisan support and also one that would bring the situation under control there by diplomatic efforts hoping to avoid military action. But that has not happened yet.

I believe we are moving toward a consensus in the Senate on a number of the key issues that must be addressed as we look to the future. And here they are.

First of all, Saddam Hussein does pose a real threat to the region and to

the entire world. I believe the Senate recognizes that. I hope that the American people recognize that. This is not a hypothetical danger that has been dreamed up by some armchair strategists. There is a long track record in this area of actions by Saddam Hussein. He poses a clear and present danger without equal in the post-cold-war-world. He is dangerous. He is a threat to his neighbors. He is a destabilizing force in the whole region. And, yes, he is actually a threat all over the world including the United States. This is a man who has already invaded two of his neighbors. Iraq has used chemical weapons inside and outside its borders. It has launched missiles against Saudi Arabia and against Israel. Hussein tried to murder former President George Bush in 1993.

Now, we should not make any mistake and think that a military action, if it comes to that, is going to rehabilitate Saddam Hussein or even eliminate him. He does not have any desire to join the civilized world, apparently, and he has shown that he can survive even when the whole world has concerns with his conduct and has taken unified action to stop his aggression.

Second, I think there is a consensus in the Senate that military force is justified if diplomatic actions fail in responding to the threat that Saddam Hussein poses. The threat is serious and our response must be serious.

Now, any military force that is used does entail risks, to our military, to our allies and even to our country if there is an attempt at retaliation. The American people need to understand that, and we need to think about it carefully. And we need to talk about the risks that are involved. That is one reason why, when we bring up a resolution, if it is necessary—and I assume it will be—we must make sure that every Senator who wants to be heard can be heard.

I remember when we had a similar debate back in the early nineties. I think some 80 Senators spoke. Now, this time we won't have 500,000 troops amassed on the ground ready to go in, but it is still a very serious matter, and I want to make sure that we don't try to restrict Senators. In fact, we could not. Senator DASCHLE knows if we asked unanimous consent to bring this resolution up today and vote on it in 4 hours, we would not get it; the Senate is known for its deliberate actions. And the longer I stay in the Senate, the more I have learned to appreciate it. It does help to give us time to think about the potential problems and the risks and the ramifications and to, frankly, press the administration. I feel better this week than I did last week because of the responses we are getting about how this is being thought out and what would be the military action and what will be the long-term plans to deal with Saddam Hussein. We are beginning to get some answers now. I believe the administration is thinking harder about what those answers should be because the Senate, Republicans and Democrats, has raised these questions, not in a critical way, not in a threatening way, but in an honest way of saying, have you thought about this? What about this approach? Can we do more? I think that has served a very positive purpose.

Some people have said to me, even back in my own State, ''This is not a threat to us. Let them deal with that over there.'' Who? Who is going to deal with it? If America does not lead, who is going to lead? Nobody else.

Now, our allies can, should, and, I believe, will join us if action is necessary. But we are going to have to lead the way. We are going to have to make the tough decisions. And people need to understand that this threat could even apply to us. While it may be a direct threat of a Scud missile in the region with a chemical warhead even, it could very easily be a threat to Paris or some city in the U.S. involving anthrax that's been produced by Saddam Hussein.

These are terrible things to even think about, but you are dealing with a person who has already used terrible actions against his own people. And so he is not so far removed. We are the ones who have to provide the direction. And we have to make sure people understand it is a threat to the whole world.

In my view, the decisive use of force against Iraq coupled with the long-term strategy to eliminate the threat entails less risks in the long run than allowing Saddam Hussein's actions and ambitions to go unchecked. You cannot do it when you are dealing with a situation like this. In the words of former Secretary of State Jim Baker, ''The only thing we shouldn't do is do nothing.'' We cannot allow that to be the result or what we do is nothing.

The administration has agreed with us that funding for the operations in and around Iraq require supplemental appropriations. We had very grave concerns by the Senator from Alaska, Mr. STEVENS, and Senator DOMENICI about how much will this cost? How is it going to be paid for? We cannot continue to say ''just take it out of your hide'' to the Pentagon; it is having an effect on morale, quality of life, on readiness and modernization. We already have a very high tempo for our military men and women in the Navy and Air Force. We are satisfied that they now have made a commitment that they are going to come up and ask for funding for both these purposes, in Bosnia and, if necessary, in Iraq. And these will be emergency requests so it will not come out of necessary improvements in barracks or spare parts for aircraft, which are very important.

There is a consensus on seriously examining now I believe long-term policy options to increase the pressure on Saddam Hussein. The administration and Congress and our allies all look forward to dealing with a post-Saddam regime. But the question is how to get there.

That is intended not to be a threat or say we should violate the law; it is intended to start the discussion, start the thinking about how can we increase these pressures. And we have to have a strategy to deal with whatever comes after the military option. Many things have been suggested. Toughen sanctions—not loosen sanctions, toughen sanctions. What about an embargo, what about expanding no-fly, no-drive zones? What about the support of opposition forces?

There is a long list of suggestions, some that I will not even put in the record here, but they are worth thinking about. Our model should be the Reagan doctrine of rollback, not the Truman doctrine of containment in this instance. And I don't mean that as critically as it sounds. It is just that there are two different doctrines, and the doctrine here should be rollback, not containment.

Despite our areas of agreement that we have clearly reached—Senator DASCHLE and I have been working together making sure every word is sanitized in the potential resolution—it is obvious we cannot get it done this week for physical reasons as much as anything else. And I remind my colleagues and the American people it was 5 months after Saddam Hussein invaded Kuwait, 5 months before Congress passed a resolution authorizing the use of force to expel him. In this case, we have a bipartisan effort, trying to make sure that the right thing is going to be done and that the right language is developed. Unlike what we had in the early 1990's when the Speaker and majority leader were working to defeat the administration's policy, you now have a Speaker and a majority leader and the Democratic leader and the minority leader in the House all working together with the administration to make sure that the language is right and that the actions are right.

Yes, more time may be needed for diplomacy and more time to think about the long-term plans, but a point will come when time will run out and action must go forward. When that comes, when U.S. Armed Forces are sent into harm's way, by the President of the United States, they will have the backing of the Senate and the American people. If the President makes the decision to deploy military force against the threat posed by Iraq, America will be united, united and praying for the safety of our men and women in uniform, united in hoping casualties are kept to a minimum, and united in hoping for and supporting a successful effort.

I just want to make that point clear today. Nobody should interpret the fact that we don't vote on a resolution today as meaning that we are not united in the fundamental principles. We are. But we want to make sure that when we do take military action, we have thought about all the ramifications and the resolution that we come up with will have the involvement of

100 Senators, with 100 Senators being present and voting, and that every word is the appropriate word that reflects the best interests of the American people.

So I am pleased to stand here this afternoon and make this statement and to assure my colleagues that I will continue to work with every Senator on both sides of the aisle to make sure we take the appropriate action, if it is necessary, when we return week after next.

Mr. President, I yield the floor and I am looking forward to hearing Senator DASCHLE's comments on this subject.

Mr. President, I observe the absence of a quorum momentarily.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Democratic leader is recognized.

Mr. DASCHLE. I begin by complimenting the majority leader on his remarks and on the manner in which he has conducted himself and his leadership with regard to this issue. He has noted the strong desire on the part of all four leaders in Congress to demonstrate with absolute clarity the need for bipartisanship when it comes to sending as clear a message as we can. His remarks and his actions have demonstrated that, and I support fully his decision not to bring the resolution to the floor today.

Obviously, there are times when matters of this import need to be fully discussed and must by their nature involve every Senator. Two of the most important Senators to provide contributions to this debate are traveling on one of the most important missions related to this whole exercise and cannot be with us today.

In addition to that, we continue to consult with colleagues on both sides of the aisle in an effort to come up with the clearest and most accurate statement with regard to the position to be expressed by the Senate. So for all of those reasons and many others, Senator LOTT and I will continue to work with our colleagues and schedule a time that will provide for the opportunity for all Senators to be heard and for debate to take place on this very important matter.

But, so that there will be no misunderstanding, we come to the floor today jointly—and we will be joined by several others—to speak with one voice to condemn in the strongest possible terms Iraq's refusal to comply with international law. To condemn Iraq's refusal to fulfill its commitments to the international community. To send a clear message to Saddam Hussein that American resolve to force Iraqi compliance with international law and their own commitments is unwavering; to make clear that U.S. national interests are threatened if Saddam Hussein is allowed to thwart the international community's efforts to shut down his development of weapons of mass destruction programs.

Although Senator LOTT and I come from different political parties and may differ on issues from time to time, there ought to be no mistake about our position today. We stand united in sending the message to Iraq that it has no option other than to comply with the terms of the U.N. Security Council resolutions.

We have chosen to speak together today to send this important message as the President and members of his Administration work diligently to demonstrate to Iraq and the world the strength of our commitment to international security. It is a demonstration of our resolve—which is shared by the American people—that Iraq shall not be permitted to develop and deploy an arsenal of frightening chemical and biological weapons under any circumstances.

U.N. Security Council Resolution 687 requires Iraq to disclose and destroy its weapons of mass destruction capabilities and to commit unconditionally to never reviving those programs. Resolution 687 established the United Nations Special Commission (UNSCOM) to verify Iraqi compliance with these provisions and required that international economic sanctions against Iraq remain in place until those conditions are met.

The Iraqi government has repeatedly and deliberately impeded UNSCOM's attempts to ensure that Iraq's weapons of mass destruction programs are destroyed. The Iraqis have consistently thwarted UNSCOM's efforts to conduct their inspections unhindered—despite clear concerns about Iraq's remaining chemical and biological weapons capabilities. UNSCOM personnel have served admirably under extremely difficult, and often dangerous, conditions. In the face of concerted Iraqi intimidation and deception, UNSCOM has discovered numerous violations of U.N. Security Council resolutions requiring an end to Iraq's weapons of mass destruction programs. In fact, more Iraqi chemical and biological weapons have been destroyed as a result of UNSCOM's inspections than during all of Operation Desert Storm.

Iraq's actions pose a serious and continued threat to international peace and security. It is a threat we must address. Saddam is a proven aggressor who has time and again turned his wrath on his neighbors and on his own people. Iraq is not the only nation in the world to possess weapons of mass destruction, but it is the only nation with a leader who has used them against his own people.

It is essential that a dictator like Saddam not be allowed to evade international strictures and wield frightening weapons of mass destruction. As long as UNSCOM is prevented from carrying out its mission, the effort to monitor Iraqi compliance with Resolution 687 becomes a dangerous shell game. Neither the United States nor the global community can afford to allow Saddam Hussein to continue on this path.

Secretaries Albright and Cohen, in their trips to the Persian Gulf and elsewhere, are sending the important message that, while the United States certainly prefers a diplomatic course, we are willing to use force to block Iraq's ability to develop and use an arsenal of chemical and biological weapons if diplomatic efforts do not achieve this result. While there are clear differences among the leaders they have talked with, they have found unanimity on at least 2 issues.

First, U.N. weapons inspectors must have unfettered access to suspect Iraqi sites. Second, Saddam Hussein is solely responsible for creating this crisis by not adhering to the Security Council resolutions in the first place.

The foreign ministers of the 6-member Gulf Cooperation Council—Saudi Arabia, Kuwait, Bahrain, Oman, United Arab Emirates, and Qatar—stated this most clearly just yesterday:

> The current crisis is a direct result of Baghdad's reluctance to cooperate with United Nations weapons inspectors and its determination to defy the will of the international community with respect to the elimination of its arsenal of weapons of mass destruction . . . The only solution to spare the people of Iraq additional hardship and dangers is the Iraqi regime's implementation of the U.N. resolutions which it had previously accepted.

The United States continues to exhaust all diplomatic efforts to reverse the Iraqi threat. But absent immediate Iraqi compliance with Resolution 687, the security threat doesn't simply persist—it worsens. Saddam Hussein must understand that the United States has the resolve to reverse that threat by force, if force is required And, I must say, it has the will.

Secretary Albright sent the message in its purest form: ''Saddam does not have a menu of choices, he has one: Iraq must comply with the U.N. Security Council resolutions and provide U.N. inspectors with the unfettered access they need to do their job.''

We are here today to affirm that we and the American people stand with the President and the international community in an effort to end Iraq's weapons of mass destruction programs and preserve our vital national and international security interests.

The Senate has been working on a concurrent resolution expressing Congress's concern about Iraq's refusal to cooperate with U.N. weapons inspectors and urging the President to respond to this threat. In doing so, the Senate has grappled with some of the very difficult issues surrounding Congress's role in the decision to use military force. Perhaps too much had been made of the differences among Members of Congress about exactly how to approach this problem. That is understandable. There are always ways

in which to change the wording. But there is no way in which to change the message. The message is fundamentally and unequivocally clear, the most important message of all. Iraq must comply. There is no choice. We stand united in our determination to do whatever is necessary to achieve our goal. Iraq must comply. The United States has the resolve to ensure that compliance and we stand united today in an effort to articulate that very clear message as loudly, as unequivocally, and in as much of a bipartisan way as we can.

Mr. BIDEN. Mr. President, no one should doubt for a moment the resolve of the United States to respond with force, if necessary, to Iraq's continued flagrant violation of United Nations Security Council resolutions.

Vigorous diplomacy has been pursued over the past three months, but, thus far, Saddam Hussein has shown that he has no interest in a peaceful solution on anything other than his own terms. We cannot allow this tyrant to prevail over the will of the international community. Our national security would be seriously compromised by a failure to stand up to the challenge he has confronted us with.

Our strategic objective is to contain Saddam Hussein and curtail his ability to produce the most deadly weapons known to mankind—weapons that he has unleashed with chilling alacrity against his own people. Left unchecked, Saddam Hussein would in short order be in a position to threaten and blackmail our regional allies, our troops, and, indeed, our nation.

Let me take just a moment to recount how we have come to the point where military force may be employed in the near future.

For nearly seven years, Iraq has engaged in a cat and mouse game with the international inspectors that comprise the United Nations Special Commission. It has obstructed UNSCOM from fulfilling its mandate to monitor, investigate, and destroy Iraq's capacity to produce weapons of mass destruction.

In spite of Iraq's tenacious efforts at concealment and obstruction, UNSCOM has uncovered and destroyed more weapons of mass destruction than were destroyed during the entire gulf war. UNSCOM has revealed Iraqi lie after Iraqi lie.

Last October, Iraq threatened to expel all American members of the special commission. Ambassador Richard Butler, the chairman of UNSCOM, responded appropriately by withdrawing all inspectors rather than having his staff of professionals segregated on the basis of their nationality.

The ensuing stand-off led to diplomatic intervention by Russia. Eventually, Iraq relented by allowing UNSCOM back into the country.

But the central issue of unconditional and unfettered access by UNSCOM was left unresolved. Ambassador Butler visited Baghdad in December to try to resolve this issue, but to no avail.

Then, last month, Iraq refused to cooperate with a team of inspectors investigating Iraq's efforts at concealment. It made preposterous charges that the American head of the team, Scott Ritter, was a spy.

During a subsequent visit by Ambassador Butler, Iraq struck a defiant note. It vowed never to open so-called ''presidential and sovereign sites'' to inspection. In a recent speech, Saddam Hussein stated his decision to expel UNSCOM by May 20 if sanctions remain in place.

The United Nations Security Council has repeatedly condemned Iraq's noncompliance. Since October of last year, on seven separate occasions, the Security Council has demanded that Iraq fulfill its obligations.

But Saddam Hussein has made clear that it is more important to him to retain the capacity to produce weapons of mass destruction than it is to comply with the resolutions that would allow sanctions to be lifted. Once again he has proven what little regard he has for the suffering of his people.

The international community has exhibited enormous patience with Iraq. But that patience has reached its limit.

Time has run out. If Iraq does not comply immediately and unconditionally with United Nations Security Council resolutions demanding unfettered access for U.N. weapons inspectors, I believe that President Clinton will have no choice but to order the use of air power.

Unfortunately, we have learned over the past several years that the Iraqi Government, and more specifically its leader, only seem to understand the blunt language of force.

In recent weeks, several questions and criticisms have been raised with respect to President Clinton's policy. I would like to take a moment to respond to some of these comments.

Questions have been asked about our objectives. The objectives have been defined precisely. They are to curtail and delay Saddam Hussein's capacity to produce and deliver weapons of mass destruction and his ability to threaten his neighbors. We have been told by the Joint Chiefs of Staff that a military plan has been developed that would fulfill these objectives.

In a sense, the international coalition now assembling forces in the Persian Gulf will accomplish through the use of force what UNSCOM would be doing were it allowed to do its job. Secretary Cohen has told us that there is no substitute for having UNSCOM on the ground, but we are left with little choice if UNSCOM is prevented from carrying out its duties.

When the objectives have been explained, the next question that arises is what are the next steps. But this question is based upon the flawed premise that the use of force reflects a new policy. In fact, the use of force for the purposes outlined by the President is an integral part of the long-standing policy of containing Iraq.

Containment is a very unsatisfying policy at an emotional level. It lacks finality and it requires patience and staying power. But it meets our strategic objective of preventing Iraq from threatening our national security interests.

Containment is the best of three bad options available to us. The other two options would be to do nothing, or to send in several hundred thousand ground troops to occupy Iraq. Neither of these policies is viable.

Doing nothing would encourage Iraqi defiance and lead to a complete collapse of the constraints that have been placed upon Iraqi behavior since the end of the gulf war. It would be the surest way to rehabilitate Saddam Hussein.

Just as unpalatable is the prospect of sending in several hundred thousand ground troops to change the Iraqi regime. I believe that there is little support for such an operation in the Congress or the public. It would also raise a series of questions:

Would we be prepared to occupy and rebuild Iraq over a period of several years?

Would we be prepared for the real possibility that a march on Baghdad might lead Saddam Hussein to unleash his weapons of mass destruction?

Would any other nation support us for an action that is clearly outside the bounds of security council resolutions? To this point those resolutions have provided the basis for all U.S. military action against Iraq since the gulf war.

In the end, the only policy that stands up to scrutiny is that of containment, which the Clinton administration has followed and the Bush administration before it followed.

Finally, another question that has arisen is whether the President should obtain specific authorization to use force. I believe that the President would be wise to obtain such authorization.

The executive branch contends that it already has sufficient legal authority, under Public Law 102–1—the use of force resolution passed by Congress before the gulf war. The argument, as I understand it, may be summarized as follows:

In Public Law 102–1, Congress authorized the President to use United States Armed Forces:

''Pursuant to United Nations Security Council Resolution 678. Security Council Resolution 678, passed by the Council in November, 1990, authorized members of the United Nations to ''use all necessary means to uphold and implement Resolution 660 (1990) (The resolution which called for Iraqi forces to leave Kuwait) and all subsequent relevant resolutions and to restore international peace and security in the [Persian Gulf] area.''

Following the gulf war, in April, 1991, the Security Council passed Resolution 687, which set the terms of the cease-

fire and required Iraq to accept the destruction or removal, under international supervision, of its weapons of mass destruction. By its terms, it reaffirmed Resolution 678, and all prior council resolutions regarding Iraq.

Because Security Council Resolution 678 provided broad authority for nations to enforce ''all subsequent relevant resolutions'' and ''to restore peace and security in the area,'' and, because peace and security has not been restored to the Persian Gulf—indeed, Iraq is currently in violation of the cease-fire resolution—then the resolutions from 1990 and 1991, both by the Security Council and Congress, the administration contends, would still have legal force.

Moreover, Congress has never modified or repealed Public Law 102–1, so absent further congressional action, and absent the restoration of peace and security to the gulf, the President still has the legal authority to use military action against Iraq. Or so the administration's argument goes.

As a strong advocate of Congress exercising its powers under the Constitution in authorizing the use of force, I must admit to some skepticism about this theory. In my own research of the question, I have consulted several eminent constitutional scholars. My conclusion is that the administration's argument may be legally tenable—if barely so—and would probably be sustained in a court of law.

But merely because the position may be legally sufficient—and the courts are notoriously deferential to the executive in matters of war and peace (if they agree to consider the case at all)—I do not believe it would be wise precedent, or wise policy, of the President to proceed with renewed military action against Iraq without a clear authorization, newly enacted by this Congress. Indeed, because the question is a close one—and because we have a different President than we did in 1991, and a significant change in the membership of Congress since that time—it would be prudent for President Clinton to seek a new expression of legal authorization from Congress.

Mr. President, we should all hope for a genuine diplomatic solution to this stand-off, but no one should doubt our resolve to use force if it becomes necessary.

We have little choice in this matter. Important principles and vital national interests are at stake.

First and foremost, an Iraq left free to develop weapons of mass destruction would pose a grave threat to our national security. The current regime in Iraq has repeatedly demonstrated its aggressive tendencies toward its neighbors. It has also displayed a callous willingness to use chemical weapons to achieve its aims.

Recently, we have heard chilling reports of possible biological weapons experiments on humans. An UNSCOM Inspector has spoken of information that points to a secret biological weapons production facility. And Ambassador Richard Butler has told us that Iraq could well have missile warheads filled with anthrax capable of striking Tel Aviv.

An asymmetric capability of nuclear, chemical, and biological weapons gives an otherwise weak country the power to intimidate and blackmail. We risk sending a dangerous signal to other would-be proliferators if we do not respond decisively to Iraq's transgressions. Conversely, a firm response would enhance deterrence and go a long way toward protecting our citizens from the pernicious threat of proliferation.

Second, a failure to uphold United Nations resolutions would diminish the credibility of the Security Council. As much as we might like to deal with every threat we face on our own, in reality it is impractical and unrealistic. Instinctively, we all know that we are much better off when we have the support of the international community when facing common threats.

But in order for the Security Council to respond effectively to threats to international peace and security that might arise in the future, it is important that those who would violate the will of the international community pay a steep price for their actions. Iraq offers an important test case for the Security Council. Capitulating to Iraqi defiance could spell a dismal future for the Security Council in handling the central matters of international peace and security for which it was created.

I hope that the Russians, French, and Chinese keep in mind that it is not in their interest to see the authority of the Security Council diminished.

It is difficult to overstate the stakes involved.

Fateful decisions will be made in the days and weeks ahead. At issue is nothing less than the fundamental question of whether or not we can keep the most lethal weapons known to mankind out of the hands of an unreconstructed tyrant and aggressor who is in the same league as the most brutal dictators of this century.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I, too, want to commend our two leaders for working together on this very important issue. I think all of us believe that it is our responsibility, as the U.S. Senate, to work in a bipartisan way with the President of the United States on an issue as grave as attacking another country and sending our troops into harm's way. I believe the administration will work with this Congress and I believe we will have a comfort level that there is a plan and that our troops will be sent on a mission that is very clear. That is what this is all about.

The message we are sending to Saddam Hussein today is clear: You may either join the community of nations, abide by the resolutions of the United Nations, or there will be serious consequences. I don't know anyone who disagrees with that proposition.

We have often debated the importance of international arms control agreements, such as the Chemical Weapons Convention, the Comprehensive Test Ban Treaty among others. What is clear is that without the resolve of the international community to enforce these standards, they are meaningless. Saddam Hussein has threatened the peace in the Middle East before. His people have suffered mightily for it. But even at that time he did not deploy weapons of mass destruction. We cannot provide him a second chance.

International inspectors have concluded that he is continuing to develop an arsenal of these horrible weapons. He has used them in the past, so why wouldn't we believe that he would use them again, unless he is stopped? Just to put this in perspective, when you talk about chemical weapons or biological weapons, someone may say, ''So, what is that? Does that make that much difference? Is that really something that could harm the neighbors of Iraq, or harm the people of any other country?''

Anthrax is one of these weapons. A few pounds—think of what that is. It's something that is about this big. A few pounds of anthrax could wipe out a city the size of Washington, DC. We know that Saddam Hussein has the capability to produce this type of weapon. We know he has Scud missiles, we have seen them. Put that on top of a Scud missile and what does that do to the security of the neighbors of Iraq?

Chemical or biological agents could be introduced into the water supply of any city and kill thousands of people. That is the kind of weapon we are talking about. So, if you are talking about, is this really an issue? Is this something that we need to stop? I just ask you, if a few pounds of this kind of agent can kill the inhabitants of a city the size of Washington, DC, who in the world is safe, if someone is manufacturing these and has used them on innocent people before?

The United States led in the gulf war. We will lead again. And we will do so with the support of the American people. We are going to stand against nuclear, chemical or biological weapons in the hands of someone so irresponsible as Saddam Hussein, who has a record that is known of killing innocent people. We look for support from the international community as we had it in Desert Storm, and as I hope we can count on for the future.

We must not let there be a doubt of the resolve of the American people. Saddam Hussein must know that we speak with one voice. We need the resumption of inspections, for Saddam Hussein to show that he wants to be a part of the international community. Military force is justified as part of an overall strategy. Our leader has said that. What Congress will be looking

for, what the American people will be looking for from the President and his advisers, is an overall strategy so we know what we are looking at, what our troops are going to be asked to do; so that we can provide our troops with all the means they need to do the job and the protection they need when they are in the field.

I hope that part of an overall strategy will be the beginning of the communication directly with the people of Iraq, with the good and decent people who have fled the country, to say we want to support you and we want you to know that the weapons that are being held could be totally deadly to you, to your children, and to the people that live throughout the country of Iraq. What we want to do is make that a safe area so the people will be free and so they can join the community of nations for a lasting peace in the Middle East. Our forces are prepared. They will be capable of dealing a harsh lesson once again. I hope it will not be necessary.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I want to express my personal gratitude to the Senate majority leader, to the Senate Democratic leader, to my colleague from Texas who has just spoken for their eloquent statements, but really more for the unmistakable message that they send, which is that there are ultimately times of conflict abroad that involve the vital interests of the United States, as the current situation in Iraq does, no Democrats, no Republicans, only Americans standing side by side in support of the Commander in Chief and all those Americans in uniform who serve under him.

That, I hope, is the message that will be heard in Baghdad, most importantly. If the Commander in Chief of the United States decides that military force is necessary to be employed against Iraq, the overwhelming majority of Members of the U.S. Senate will stand strongly behind him and behind those American personnel in uniform who will carry out that policy.

Mr. President, the statements of the majority leader and the Democratic leader are the finest examples of bipartisanship and statesmanship. They remind us, though there may be disagreements in this Chamber on partisan lines, that, again, when challenged, when it comes to America's vital interests abroad, we will stand together above party lines.

The administration has been very accessible, very forthcoming in consulting with both Houses of Congress about the challenge that Saddam Hussein and Iraq represent to us and to the security of our allies in the region and our soldiers in the region and of the world in general. I think we have to express our appreciation to the administration for that dialog that continues.

What is at stake in Iraq today? For one, something that might be considered quaint in some quarters, meaningless in other quarters, international agreements are at stake, agreements to end the gulf war, promises made by Saddam Hussein about allowing inspections which would enable us—the world—to guarantee that he was keeping his promises to disarm, a request justifiably made by the victorious forces in Operation Desert Storm and required of those who were vanquished in that conflict. So it is the integrity of these agreements, in the first instance, that is at stake.

Secondly, there are consequences, which is the threat that Saddam Hussein will use those weapons of mass destruction that we know he has; that he will use the ballistic missile, the delivery system capacity to deliver those weapons of mass destruction that we know he has in rudiment and is developing even further.

We know, as one of my colleagues said a moment ago—I believe it was Senator DASCHLE—unlike other leaders in the world, including dictatorial leaders of rogue nations who possess weapons of mass destruction, this particular leader, Saddam Hussein, has used those weapons against his neighbor, Iran, in the Iran-Iraq war in the eighties, and against the Kurdish population of his own country.

So our anger, our anxiety, our unease, our judgment that we have vital interests at stake is not theoretical. It is based on a course of behavior by this particular leader of this particular nation. We went through the entire cold war with enormous amounts of nuclear power in our hands and in the hands of the Soviet leaders, but there was, in the end, a kind of understanding based on a strange form of civilized premise, which is that those weapons would not ultimately be used, and they were not ultimately used. I don't think we can reach that same conclusion about this leader based on his own course of behavior.

There is a way in which there is a line to be drawn in this case, just as we drew a line in the post-cold-war-world, when Saddam invaded Kuwait and threatened our neighbors and vital economic interests and energy supplies in that region and we acted, reacted and reacted forcefully and rolled him back. Just as in Bosnia, we saw ethnic conflict could divide Europe and create broader conflict there, and we acted and stopped it. So, too, in this case, we are called upon to show that we are willing to draw a line, a preventive line, against those who possess weapons of mass destruction—chemical and biological; some have called them the poor nations' nuclear weapons—that we will draw a line and say we won't tolerate it. We are going to act to impose a regime of promises to disarm and if those promises are not kept, the international community will act to enforce them.

We have vital interests at stake in the region. We have thousands of soldiers there within range of these weapons of Saddam Hussein. We have allies in the region in the moderate Arab nations and in Israel, and we have vital economic interests in the oil supply in that region.

Mr. President, the fact is that all of those interests, all that we have at stake there—international promises made by Saddam as a condition to the end of the cold war, the threat of weapons of mass destruction and delivery systems, the vital interests in the region, the necessity to draw a line against the use of chemical and biological poisons, which all of the military experts tell us will characterize and intensify the security threats to our region and most of the rest of the world in the next century—all of those threats are not just to the United States, they are surely to our allies in the region and are to most of the rest of the world.

That is perhaps why so many nations have come to our side as we face the reality that the United Nations, not the United States, tell us of the refusal of Saddam Hussein to allow the inspections that he promised and, therefore, the fact that we have gone now more than 5 months with those sites uninspected and day by day the threat rises.

That is why our closest and most steadfast ally, Britain, have joined us, are ready to stand and fly side by side with us. But they are not alone. Canada, Australia, the Netherlands, Bahrain, Kuwait, Israel and a growing number of others are prepared to join us.

As much as we are heartened by this support, we don't see the same range of the coalition that we had leading up to the gulf war. Maybe that is understandable because the threat that the current crisis poses is not as immediate and accomplished, it is mostly imminent. In 1990, Saddam Hussein invaded his neighbor Kuwait and threatened Saudi Arabia and the rest of the Persian Gulf states, oil-producing states. In that circumstance, with a danger that was real and experienced, it was easier to assemble the broad-based coalition that we did.

Today, the threat may not be as clear to other nations of the world, but its consequences are even more devastating potentially than the real threat, than the realized pain of the invasion of Kuwait in 1990, because the damage that can be inflicted by Saddam Hussein and Iraq, under his leadership, with weapons of mass destruction is incalculable; it is enormous.

Therefore, I hope, though the circumstance may not be as clear, that other nations that have not yet forcefully expressed their willingness to stand with us and Britain and the other allies I mentioned will come to an understanding of that. It has been my hope all along that if the United States continued to lead, as we have, that the full range of coalition allies would, once again, stand by our side.

I always remember the Biblical evocation which is, if the sound of the

trumpet is not clear, then who will follow in battle? If the sound of the trumpet is clear, then I hope that the widest range of other nations in the world will follow into battle, if that is necessary, not simply to follow our leadership, but because their vital interests are at stake, in the resolution of this problem.

Mr. President, I think the administration has made clear, and that is why I believe there is broad support for the possible attacks that may occur on Iraq, that its goals here are limited. If air attacks occur, these are not acts of revenge, these are not punitive acts which have no meaning. These would be acts and attacks that are aimed at accomplishing what the inspections were supposed to accomplish, that are aimed at accomplishing what the gulf war cease-fire agreement was supposed to accomplish, which is the diminution and ultimately the elimination of Iraq's capacity to wage chemical, biological or nuclear war against its neighbors or ultimately anyone in the world. That limited goal may not satisfy some people, but it is a reasonable goal at this time, and it is a goal that I think ultimately and effectively will enjoy the broadest support in the U.S. Senate.

Mr. President, there are those who say, ''Well, what next? What if this doesn't work?'' I am confident it will work. When I say it will work, I mean I have the confidence the United States military has the capacity to strike at Iraq in a way that will, in fact, incapacitate, debilitate, postpone the ability of that country under Saddam Hussein to inflict damage on its neighbors with weapons of mass destruction. So that goal will be accomplished.

I think the question of what is next is an appropriate topic of discussion. Some people say we should pull back and wait and see what, in that initial time of that military strike, if it occurs, it will gain us, to see whether diplomacy can work again, to see if we can build the fullness of the coalition and again confront Saddam with the opportunity to comply with the promises he previously made.

Others, and I number myself among this group, are very skeptical of that policy. Diplomacy is always preferable to the use of force, and yet, I myself remain profoundly skeptical that an acceptable diplomatic resolution to this conflict is possible.

It is a painful and sad conclusion, but it is based not on animus toward that country, certainly not animus toward the people of Iraq, but it is based on the record. The record I need not cite in detail, but we know about the violent way in which Saddam Hussein seized power in Iraq, eliminating those of his fellow Iraqis who were in his way, about the violent and dictatorial way in which he has ruled. Life doesn't matter when you stand in the way of him; of the means that he used to conduct the war against Iran, including weapons of mass destruction; of his invasion of Kuwait; of his flaunting of the very agreements he made to end the gulf war; of the taunting of the international community that he represents today.

Mr. President, if this were a domestic situation, a political situation, and we were talking about criminal law in this country, we have something in our law called ''three strikes and you are out,'' three crimes and you get locked up for good because we have given up on you. I think Saddam Hussein has had more than three strikes in the international, diplomatic, strategic and military community. So I have grave doubts that a diplomatic solution is possible here.

What I and some of the Members of the Senate hope for is a longer-term policy based on the probability that an acceptable diplomatic solution is not possible, which acknowledges as the central goal the changing of the regime in Iraq to bring to power a regime with which we and the rest of the world can have trustworthy relationships. That is not going to be simple. It is not going to come overnight. It involves an effort to work with Iraqi opposition to Saddam Hussein, to use some of the same methods that were used in the cold war, something as simple and yet as effective as Radio Free Europe which spoke so powerfully to the hopes and dreams of people who lived so long under the tyranny of the Soviets, the Communists, and do the same for the people who live under the tyranny of Saddam Hussein, to work with our allies to build the kind of alternative that will raise our hopes for peace in that region of the world.

Those discussions about what may follow an air attack on Iraq are important. They are not easy. They deserve to be debated.

For now I think what is most important is that people of both parties have come together on the floor of the Senate to speak to this challenge to international law, to America's vital interests, and to say, directly or indirectly, ''Mr. President, if you, as Commander in Chief, act in this circumstance, in this crisis, you and the troops who serve under you will have broad bipartisan support in the U.S. Senate.''

I thank the Chair, and I yield the floor.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

IRAQ'S THREAT TO INTERNATIONAL PEACE AND SECURITY

• Mr. LEVIN. Mr. President, I want to express my support for President Clinton, in consultation with Congress and consistent with the United States Constitution and laws, taking necessary and appropriate actions to respond effectively to the threat posed by Iraq's refusal to end its weapons of mass destruction programs.

I am presently in Moscow accompanying Secretary of Defense William Cohen on a trip that has taken us to Saudi Arabia, Kuwait, Oman, the United Arab Emirates, Qatar and Bahrain.

I believe that it would be useful to briefly review some of the historical record relating to Iraq's compliance with United Nations Security Council resolutions leading up to the present crisis.

United Nations Security Council Resolution 660 of August 2, 1990, condemned the Iraqi invasion of Kuwait and demanded that it withdraw its forces from Kuwait. The Security Council's Resolution 678 of November 29, 1990, affirmed by Resolution 687 of April 3, 1991, authorized the use of all necessary means to restore international peace and security. During this period and up to the actual use of force by the United States-led coalition, there were a series of diplomatic efforts to convince the government of Saddam Hussein to withdraw from Kuwait. But Saddam Hussein didn't get it.

Following the Gulf War, the Security Council continued the economic and weapons sanctions on Iraq that were imposed after it invaded Kuwait. The Security Council conditioned the lifting of the sanctions on Iraq's accepting the destruction, removal or rendering harmless, under international supervision, of its nuclear, chemical, and biological weapons programs and all ballistic missiles with a range greater than 150 kilometers. Despite the crippling international economic sanctions that have been imposed on his country by the international community, Saddam Hussein still didn't get it.

In recognition of the need to reduce the harm to the Iraqi people that were caused by Saddam Hussein's misadventures, the Security Council on August 15, 1991, in Resolution 706, authorized the sale of Iraqi oil for the dual purpose of the payment of claims against Iraq and for the purchase of foodstuffs, medicines, materials and supplies for essential civilian humanitarian needs. That authorization was made subject to the Security Council's approval of a plan for such sales and for international monitoring and supervision to assure their equitable distribution in all regions of Iraq and to all categories of the Iraqi civilian population. But Saddam Hussein rejected the plan. It wasn't until a Memorandum of Understanding on the plan was signed by Iraq and the United Nations on May 20, 1996, and after several additional months of contentious negotiations on implementation details, that Iraq finally began pumping oil on December 10, 1996. That was more than 5 years after the Security Council authorized such action. Saddam Hussein still didn't get it.

There were several major confrontations between Iraq and the international community over access for United Nations Special Commission on Iraq or UNSCOM inspectors between May 1991 and June 1993. That pattern of confrontation was repeated on numerous occasions from March 1996 to October 1997. Since that time, the situation worsened until Iraq agreed that

UNSCOM could return to Iraq unconditionally. Although UNSCOM inspections resumed on November 21, 1997, access was denied to presidential palaces and many other sites, and in mid-January 1998, an inspection team headed by an American was blocked. By the way, there are many dozens of these palaces. Some have grounds as large as Washington D.C. They are suspect weapons of mass destruction sites as long as access is denied.

And so we have reached the present moment in time in which Iraq is blocking the UNSCOM inspectors from performing their mission on behalf of the international community. Saddam Hussein still doesn't get it.

Mr. President, United Nations Secretary General Kofi Annan stated it well at a press conference on February 2 when he said:

I think no one in the Council is pushing for the use of force in the first instance. All those who are talking about it are looking at it as a last resort. We hope that President Saddam Hussein, for the sake of the Iraqi people, who have suffered so much, will listen to the messages that are being taken to him by these senior envoys from Russia, from France, from people in the region, leaders in the region and elsewhere, and really avoid taking his people through another confrontation. They don't need it; the region doesn't need it; and the world certainly can do without it. And so, hopefully, the leadership will have the courage, the wisdom and the concern for its own people to take us back from the brink.

Mr. President, this crisis is due entirely to the actions of Saddam Hussein. He alone is responsible. We all wish that diplomacy will cause him to back down but history does not give me cause for optimism that Saddam Hussein will finally get it.

Mr. President, Saddam Hussein's weapons of mass destruction programs and the means to deliver them are a menace to international peace and security. They pose a threat to Iraq's neighbors, to U.S. forces in the Gulf region, to the world's energy supplies, and to the integrity and credibility of the United Nations Security Council.

Mr. President, as I noted earlier, I have visited a number of countries in the Middle East with Secretary Cohen. In each country, we have met with the head of state. We've had a series of very positive meetings in every country. We're very confident that the support that is needed and has been requested from these countries would be forthcoming if diplomatic efforts fail to get Saddam Hussein to comply and if there is a military strike. They all say, in various ways, basically the same thing—he must comply with U.N. Security Council resolutions and, if he fails to comply and if there is military action, the responsibility is his and his alone since he has the key to a peaceful solution, which is compliance with the U.N. resolutions. And we are assured privately that we will have their support if diplomatic efforts fail and if military action is necessary.

Mr. President, yesterday the Gulf Cooperation Council at the Ministerial level issued a statement concerning the Iraqi crisis. I ask that the text of the statement by printed in the RECORD at the conclusion of my remarks. That statement included the following and I quote:

The Ministerial Council has stressed that the current crisis is created by the Iraqi regime alone as a result of its non-cooperation with the international inspectors and its challenge to the will of the international community. This non-cooperation threatens Iraq with severe dangers. The Council expresses its conviction that responsibility for the result of this crisis falls on the Iraqi regime itself.

Further, General Zinni, the Commander in Chief of the Central Command (CINCENT), has personally advised us that, in his professional opinion, the United States has the support from Saudi Arabia and other Gulf nations needed to meet the requirements of the CINCCENT plan to execute a successful military operation, should it be necessary.

Mr. President, the use of military force is a measure of last resort. The best choice of avoiding it will be if Saddam Hussein understands he has no choice except to open up to UNSCOM inspections and destroy his weapons of mass destruction. The use of military force may not result in that desired result but it will serve to degrade Saddam Hussein's ability to develop weapons of mass destruction and to threaten international peace and security. Although not as useful as inspection and destruction, it is still a worthy goal.

The statement follows:

GULF COOPERATION COUNCIL

The dangerous circumstances and the critical situation the region is witnessing, which has resulted from the crisis which the Iraqi regime has created with the international inspectors belonging to the special committee assigned the task of destroying Iraqi WMD, and by refusing to cooperate with the international inspectors while not allowing them to carry out their duties by imposing conditions and creating obstacles represents a clear violation of the Security Council resolutions related to Iraq's aggression on the state of Kuwait.

The Ministerial Council has discussed these developments and what they involve in terms of actual dangers which threaten the security and stability of the region.

The Ministerial Council notes the international community's consensus and its insistence on Iraq implementing the Security Council resolutions in full; it places the responsibility for the delays in implementing those resolutions on Iraq. These delays will lead to continuation of the sanctions imposed on Iraq under which the Iraqi people suffer. The GCC people are concerned by this suffering and place the responsibility for it on the Iraqi regime alone.

The Ministerial Council has stressed that the current crisis is created by the Iraqi regime alone as a result of its non-cooperation with the international inspectors and its challenge to the will of the international community. This non-cooperation threatens Iraq with sever dangers. The council expresses its conviction that responsibility for the result of this crisis falls on the Iraqi regime itself. The council also stresses that it is not reasonable or acceptable anymore that the Iraqi regime takes unilateral measures to complicate conditions which threaten it with more severe and dangerous consequences while at the same time placing the responsibility for such measures on the Arab nation and the international community.

Bearing in mind that the council has not abandoned and continues to support any peaceful approach, the severe results from what might happen are to be borne by the Iraqi regime alone. In spite of the numerous efforts which a number of Arab and international parties have exerted to convince Iraq to retreat from its position by allowing the international inspectors to carry out their duties without any hindrance or condition, the Iraqi regime has continued with its intransigence. Not caring about the dangerous consequences which could result from this stance.

And in this tense environment, which presages dangers, the council expresses its belief that the only way to save the Iraqi people from the dangers and suffering to which they have been subjected is by the Iraqi regime implementing the resolutions which the international community has reached by consensus and which Iraq has accepted, in accordance with the program of this special commission the implementation of which no one has disputed.

In order to avoid the Iraqi brotherly people being subjected to the dangerous consequences of this crisis, the council asks the Iraqi regime to yield to the efforts made to implement all the commitments asked of it by removing the barriers/obstacles which it has imposed on the tasks of the international inspectors in preparation for reducing the sanctions and lifting the suffering of the Iraqi brotherly people.

The council stresses again its firm stance on the need to preserve the independence and sovereignty of Iraq, its territorial integrity and its regional security. The council has decided to continue communications between the member countries to follow the developments and this session will remain open.●

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia, under the previous order, has 30 minutes. The Senator from Maine was here before he was. Will he let her——

Mr. BYRD. I am seeking recognition first.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Now, if the distinguished Senator from Maine would prefer to go ahead, I would be happy to await her.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Does the Senator from West Virginia yield?

Mr. BYRD. I just wanted to establish my right under the rules—which I sought recognition. The fact that another Senator has been here does not mean anything under the rules, but I am happy to yield and have the Senator proceed.

The PRESIDING OFFICER. The Senator from Maine is recognized for not to exceed 10 minutes.

Ms. COLLINS. Thank you, Mr. President. And I thank the Senator from West Virginia for his courtesy.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1648 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. COLLINS. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed in morning business until the Senator from West Virginia comes to the floor to give his statement. I ask unanimous consent for only 5 minutes or until such time as the Senator arrives.

The PRESIDING OFFICER. Without objection, it is so ordered.

PREVENTING FRAUD AND ABUSE WITHIN THE MEDICARE PROGRAM

Ms. COLLINS. Mr. President, as the Congress grapples with the problem of maintaining the solvency of the Medicare program and with proposals to expand Medicare coverage, we must not overlook a critical problem that threatens the financial integrity of this vital social program, which provides health care services to 38 million older and disabled Americans. I am talking, Mr. President, about the problem of waste, fraud and abuse in this program.

The Permanent Subcommittee on Investigations, which I chair, has undertaken an extensive investigation into Medicare fraud.

At our first hearing last summer, we learned from the inspector general of the Department of Health and Human Services that an astounding $23 billion a year is lost to waste, fraud, abuse and other improper payments.

In more recent hearings, Mr. President, we discovered that career criminals, with absolutely no background in health care, were able to be certified as Medicare providers and enter the system for the sole purpose of ripping it off.

For example, one case that the subcommittee investigated involved a totally fictitious durable medical equipment company that was located in the middle of the runway of the Miami International Airport, if it had in fact existed.

I am not talking here, Mr. President, about legitimate providers or innocent mistakes or honest billing errors. I am talking about outright fraud. We need to do a better job of screening providers and controlling their entry into the Medicare system.

Mr. President, the vast majority of health care professionals are dedicated and caring individuals who deliver vital services to millions of Americans across the country. They are as appalled by this kind of fraud as any of us.

Recently, I met with the members of the Home Care Alliance of Maine concerning the issue of fraud in the health care industry. The Home Care Alliance of Maine has a longstanding commitment to ensuring the highest quality home health care in the State of Maine. It has adopted a policy of zero tolerance on fraud and abuse in the home health industry. Its members recognize that unscrupulous home health providers not only tarnish the reputation of legitimate health care professionals, but that these unscrupulous individuals jeopardize the very availability of Medicare.

I ask unanimous consent the position statement of the Home Care Alliance of Maine be printed in the RECORD so my colleagues and organizations representing home health care agencies across the United States can have the benefit of the very fine work this organization has done.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEDICARE FRAUD AND ABUSE

POSITION STATEMENT

The Home Care Alliance of Maine membership has a long-standing commitment to provide the highest quality of care to the elderly and infirm of our state. Even one unscrupulous home health provider that fails to maintain the values and ethics that are at the core of home care jeopardizes the viability of ongoing access to appropriate home health services.

We recognize that the responsibility for resolving concerns of fraud and abuse lies with the government, the home health industry, and individual providers. We further believe that different strategies are needed to clearly distinguish deliberately fraudulent practice from unintentional errors that can occur in the interpretation of the complex and often vague rules and regulations in the Medicare home health care benefit.

The Home Care Alliance of Maine firmly believes that fraud and abuse can be eliminated and errors corrected when addressed by comprehensive and concerted efforts among the industry, government, individual providers, and consumers. This partnership is critical to achieve the mutually beneficial goal of assuring integrity in administration of the Medicare home health care benefit.

We further believe that education of consumers and advocacy groups is central to ensuring trust in legitimate providers of home health services. It is only through open and public discussion about the basic structure of changes in the Medicare home health care benefit that consumers and others can confidently distinguish blatant fraud and abuse from innocent errors in interpretation and provision of services. Informed consumers and their advocates can then be reassured by their choice of licensed and certified home health agencies.

The Home Care Alliance of Maine supports:

1. Zero tolerance for fraud and abuse of the Medicare home health care benefit.

2. Total cooperation with prompt and responsible investigation and resolution of any errors in interpretation and application of the Medicare home health care benefit.

3. Medicare coverage and reimbursement standards in language that is understandable and readily accessible to providers and consumers through various means, e.g. federal depository libraries, state regulatory agencies, trade associations, fiscal intermediaries, and the Internet.

4. Enhancement of education and training of home health agencies through joint efforts with regulators.

5. Credentialing and competency testing standards for government contractors and federal regulators responsible for issuing Medicare determinations.

6. Mandatory screening and background checks on all applicants for Medicare certification as a home health agency.

7. Development and provision of a summary of program coverage requirements for consumers and prospective consumers of Medicare home health care benefits.

8. Enhancement and increased accessibility of the consumer reporting hotline for suspected fraud and abuse.

The Home Care Alliance of Maine is committed to working with its membership, state and federal regulatory bodies, and consumer advocacy groups to ensure the integrity of the Medicare home health care benefit in Maine.

Ms. COLLINS. I appreciate the opportunity to comment on this issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF MEMBERS OF ARMED FORCES HELD AS PRISONERS OF WAR DURING VIETNAM CONFLICT

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 177, submitted earlier today by Senators COVERDELL, CLELAND and others.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 177) recognizing, and calling on all Americans to recognize, the courage and sacrifice of the members of the Armed Forces held as prisoners of war during the Vietnam conflict and stating that the American people will not forget that more than 2,000 members of the Armed Forces remain unaccounted for from the Vietnam conflict and will continue to press for the fullest possible accounting for all such members whose whereabouts are unknown.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. COVERDELL. Mr. President, colleagues, I rise on this 25th anniversary of the return of the first American POWs from Vietnam to recognize the National League of Families of American Prisoners and Missing in Southeast Asia and the many years and tireless hours Ann Mills Griffiths, the National League of Families' Executive Director, and JoAnne Shirley, Chairwoman of the League's Board and a fellow Georgian, have spent fighting for the return of American POW's and MIA's.

The National League of Families of American Prisoners and Missing in Southeast Asia was incorporated in the District of Columbia on May 28, 1970.

Voting membership is comprised solely of the wives, children, parents and other close relatives of Americans who were or are listed as prisoners of war, missing in action, killed in action/body not recovered and returned Vietnam War U.S. POWs. Associate membership is comprised of extended relation of POW/MIAs who do not meet voting membership requirements and concerned citizens. The League is a non-profit, non-partisan organization financed by contributions from the families, veterans and concerned citizens. The League's sole purpose is to obtain the release of all prisoners, the fullest possible accounting for the missing and repatriation of all recoverable remains of those who died serving our nation during the Vietnam War.

The League originated on the west coast in the late 1960's. The wife of a ranking POW who believed that the U.S. Government's policy of keeping a low profile on the POW/MIA issue and encouraging the families to refrain from publicly discussing the problem was unjustified, initiated a loosely organized movement which evolved into the National League of Families.

In October 1968, the first POW/MIA story was published. As a result of that publicity, the families began communicating with each other, and the group grew in strength from 50 to 100 to 300 and upward. Small POW/MIA family groups flooded the North Vietnamese delegation in Paris with inquiries regarding the prisoners and missing; the first major activity in which hundreds of families participated.

Eventually, the necessity for formal incorporation was recognized. In May 1970, a special AD HOC meeting of the families met at Constitution Hall in Washington, D.C. During this meeting the League's charter and by-laws were adopted.

A seven-member board of directors meets regularly to determine League policy and direction. The board is elected by the voting membership which now stands at approximately 1,000. Regional coordinators, responsible for activities in multi-state areas, and state coordinators also represent the League in most of the fifty states.

The League's national office is now staffed by only one full-time employee, augmented by concerned citizen and family member volunteers. The executive director, the sister of a soldier MIA and the organization's chief executive officer, is responsible for management of the League and Implementation of policies established by the membership and board of directors.

In 1971, Mrs. Michael Hoff, an MIA wife and member of the National League, recognized the need for a symbol representing our POW/MIAs. Prompted by an article in the Jacksonville, FL Times-Union, Mrs. Hoff contacted Norman Rivkees, VP of Annin & Company, which had made a banner for the newest member of the UN, the People's Republic of China, as a part of their policy to provide flags to all UN member states. Mrs. Hoff found Mr. Rivkees very sympathetic to the POW/MIA issue, and he along with Annin's advertising agency, designed a flag to represent our missing men. Following the National League's approval, the flags were manufactured for distribution. On March 9, 1989, a flag which flew over the White House on the 1988 National POW/MIA Recognition Day, was installed in the U.S. Capitol Rotunda, as a result of legislation passed overwhelmingly during the 100th Congress. On August 10, 1990, the 101st Congress passed U.S. Public Law 101–355, which recognized the National League's POW/MIA flag and designated it ''as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted for in Southeast Asia, thus ending the uncertainty for their families and the Nation.'' This POW/MIA flag is now recognized world wide, by all concerned, as the universal symbol of the ''UNACCOUNTED FOR''.

Mrs. Ann Mills Griffiths serves as Executive Director of the National League of POW/MIA Families, a position held since August, 1978. Mrs. Griffiths' brother, Lt. Commander James B. Mills, USNR, has been missing since September 21, 1966, when the Navy F4C on which he served as a Radar Intercept Officer was lost on a night mission over North Vietnam.

Prior to assuming her position as executive director, Mrs. Griffiths was an elected member of the League's board of directors for four years, serving as legislative chairman. During its existence from 1980 through 1992, she played an active role in the U.S. Government's POW/MIA Interagency Group, representing the families' views in development of official policy to resolve this humanitarian issue.

Mrs. Griffiths has traveled extensively for discussion with senior officials of Laos, Cambodia, and Vietnam, as well as the countries of ASEAN. She was instrumental in facilitating high level negotiations between Vietnam and the United States in 1983 and participated in fourteen U.S. Government policy-level POW/MIA delegations to Hanoi since 1982, plus two League delegations in 1982 and 1994.

Acknowledged as an expert on the POW/MIA issue, Mrs. Griffiths regularly meets with senior administration officials and members of congress, appears before congressional committees, addresses national and international audiences, participates in appropriate policy seminars, publishes articles and newsletters, and is a frequent spokeswoman on network and cable television programs.

Within policy established by the membership and elected board of directors, Mrs. Griffiths has been instrumental in building the League from a small POW/MIA family group into a nationally recognized, non-profit organization that influences U.S. policy to resolve the humanitarian POW/MIA issue. In administering the Leagues' affairs, Mrs. Griffiths supervises League operations, manages a successful direct-mail program and plans the League's yearly convention that includes the highest levels of the U.S. Government. With the assistance of their staff and volunteer state and regional officials, Mrs. Griffiths also coordinates a nation-wide awareness program on the issue.

Mrs. JoAnne Shirley has been serving as Chairman of the Board of Directors since June 1995. Her brother, Maj. Bobby Marvin Jones, M.D., USAF Flight Surgeon, was shot down November 28, 1972, near DaNang, South Vietnam.

Mrs. Shirley is married to Dr. Rudy Shirley, MS., and ENT doctor, and they reside in Dalton, Georgia, with their three children Bobby, Rhett and Chrissie. She served on the School Board for 10 years, and has been a volunteer in many community, county and state sponsored projects.

Mrs. Shirley co-founded the Georgia Committee for POW/MIA, Inc in the 1980s and served as Georgia State Coordinator for the National League of Families from 1983–1993. She served as Secretary of the National League of 1993–94, and then as Vice-Chairman from 1994–95. In 1997, Mrs. Shirley, by herself, raised $15,000 to fund her and Mrs. Griffiths' trip to Southeast Asia.

Mr. President, these two women who are wives, mothers, and involved citizens have spent countless hours, money and resources keeping accountability alive. Nothing strikes a louder chord with Americans than the thought of our soldiers in the hands of our country's enemies. It is important that we recognize the work of organizations such as the National League of Families and of people such as Ann Mills Griffiths and JoAnne Shirley who have worked hard to ensure we do not forget those soldiers who were left behind.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to be an original cosponsor of the Senate Resolution which recognizes the 25th anniversary of the return of 591 American POWs from communist Vietnam in February and March, 1973, and reaffirms our national commitment to seek answers about missing Americans from the Vietnam War.

I have been privileged through the years to come to know many of the Americans POWs held for so many years by the Communist side and finally released in 1973. This includes heroes in the Congress like Representative SAM JOHNSON of Texas, and Senator JOHN MCCAIN of Arizona, and other heroes like Admiral James Stockdale, Ambassador Pete Peterson, Red McDaniel, Orson Swindle, Ted Guy, Giles Norrington, and Mike Benge, to name a few.

Today marks the 25th anniversary of the return of the first group of American POWs from Hanoi during what was known as Operation Homecoming. This first group included Congressman SAM

JOHNSON, someone who I have been honored to work closely with through the years to obtain answers about those still missing from the war. Several other groups of POWs were released later in February, 1973, and throughout March, 1973, with the last American acknowledged by Hanoi to be a POW being returned on April 1st.

A few years ago, one of these returned POWs I mentioned earlier, Captain McDaniel, wrote a book about his experience as a POW entitled ''Scars and Stripes.''

I want to quote just a small passage from that book which describes the feelings of the POWs as they were being led from their prisons to the airport in Hanoi for repatriation.

''I saw a familiar C–141 aircraft waiting for us on the field. At that moment, something broke inside me and the tears came easily. Somehow I had managed to restrict my tears to those rare times, in the nights under my mosquito net, when Hanoi Radio had gotten to me and I was down. But here, seeing that airplane waiting, I just let go, because I suddenly realized that my country had not let me down. And that great Scripture came to me, the Lord's words: I will never leave thee, nor forsake thee.

Even as God had stayed at my side through all that time and taught me the things that were to change my life completely about His reality and His presence in suffering, somehow that American plane socked home some of the things that made America and God great.

Then I was on that airplane, and pandemonium broke lose. As those wheels lifted off, the cheers shook the plane. And when the plane crossed over water on the way south, we all shouted, ''Feet wet!''—we were no longer over North Vietnam. Those mouths opened in a wild cheer—some with teeth missing, some with faces showing physical and emotional scars, some who cried while they cheered. No matter what anyone would say in the future about Vietnam, somehow we had won a little piece of something that no man would take away from us.

Mr. President, what true patriots these men were. How fitting that we honor them today with this Senate resolution commemorating the 25th anniversary of their release.

With this resolution, we also call attention to the important last mission of the war which is still unresolved—the mission to obtain the fullest possible accounting for those whose whereabouts and fate are still unknown. Our thoughts go out to the families of those missing men, and we reaffirm our national commitment to learning the truth so we can remove the uncertainty these families face.

I have been personally involved with searching for answers on the POW/MIA issue, as my colleagues know, for several years now. I want to take this opportunity today to again call on the Governments in Southeast Asia, North Korea, China, Russia, and the former Eastern bloc to do more to open up their archives and make key witnesses available so we may advance the accounting effort. There is much work still to do, and I appreciate that this resolution before us today recognizes that fact.

I yield the floor.

Mr. COVERDELL. Mr. President, I want to take a special moment here to thank my colleague from Georgia, a cosponsor of this resolution and himself a veteran of the Vietnam war; Senator SMITH of New Hampshire; Senator LOTT, the majority leader; and Senator HAGEL, a Vietnam veteran from Nebraska. I am especially delighted to be joined by Senator CLELAND who, as I said, is himself a testament to the courage and sacrifice made by so many men and women in American uniform during the Vietnam conflict.

The resolution also directs itself to two of our colleagues who were themselves long-held prisoners of war, Congressman SAM JOHNSON, who is specifically noted in the resolution, and our own Senator JOHN MCCAIN of Arizona.

Senator MCCAIN and I have known each other for some extended period of time and I have always marveled at what he endured and, I might add, that it was almost a double endurance. What I mean is that the North Vietnamese, recognizing that he was the son of a U.S. Navy admiral, tried to break him away from his colleagues and send him home. He made the choice not to accept, not to accept this unique tension in deference to his colleagues, his father and the Navy.

I was reminded earlier today that when these veterans were returned and disembarked from the aircraft—of course we all remember the scenes of them kneeling down and kissing the ground—but then to stand up and thank America for the privilege to have served her. It was an incredible act of courage, an act of care and love, of the country whose uniforms they had worn.

Interestingly enough, unbeknownst to me just earlier, I was with a young man who said but for the brief chance of fate he would have been a pilot in Vietnam. This was just moments ago and he was here when these POW's returned, and he had a chance to be among them. At that time he was about 33, which was the age of many of these POW's, the difference being, of course, that he still looked 33 and they looked 50 or older because of what they had endured. He was reminded about how moving the moment was to see these Americans who had returned, who had endured so much, who had become the epitome of courage and perseverance. He says whenever he is reminded of it, it still sends chills down his back. How much we owe these men and women. It is important that we remember.

Whenever a nation embarks on something like this—and perhaps it is uniquely important that we are remembering, considering the discussions that are underway here this very week, discussing the eve of a major conflict—we remember what these men and women did for America.

Of course, today marks the 25th anniversary of the return of the first POWs from North Vietnam. Following the signing of the peace accords, 591 United States prisoners of war were released. The operation was dubbed ''Operation Homecoming.'' Today, as was noted in the resolution, there are still 2,000 members of our Armed Forces who remain unaccounted for from the Vietnam conflict.

This resolution recognizes that despite the brutal mistreatment these prisoners received, they nevertheless devised a means to communicate with one another, to support one another by a code transmitted by tapping on the wall. The resolution refers to Commander James B. Stockdale, U.S. Navy, who upon his capture on September 9, 1965, became the senior prisoner of war officer in what became dubbed the ''Hanoi Hilton.'' He delivered the following message to his men to sustain their morale: ''Remember, you are Americans. With faith in God, trust in one another, and devotion to your country, you will overcome, you will triumph.''

This resolution resolves that the Senate expresses its gratitude for and calls upon all Americans to reflect upon and show their gratitude for the courage and sacrifice of the brave men who were held prisoners of war during the Vietnam conflict, particularly on the occasion of this, the 25th anniversary of Operation Homecoming, their return from captivity. It also resolves that the Senate, indeed America, will not, must not, forget the more than 2,000 members of the United States Armed Forces that remain unaccounted for in the Vietnam conflict, and that the Senate will continue to press for the fullest possible accounting for such members.

Mr. President, again, I thank my colleague from Georgia, Senator CLELAND, for his cosponsorship, more importantly for his service, his long service, Senator SMITH, Senator LOTT and Senator HAGEL of Nebraska.

In closing I simply say on behalf of all Americans, this American says to all who served under such difficult circumstances, a grateful Nation says thank you.

Mr. COVERDELL. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 177) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 177

Whereas participation by the United States Armed Forces in combat operations in Southeast Asia during the period from 1964 through 1972 resulted in several hundreds of members of the United States

Armed Forces being taken prisoner by North Vietnamese, Pathet Lao, and Viet Cong enemy forces;

Whereas the first such United States serviceman taken as a prisoner of war, Navy Lt. Commander Everett Alvarez, was captured on August 5, 1964;

Whereas following the Paris Peace Accords of January 1973, 591 United States prisoners of war were released from captivity by North Vietnam;

Whereas the return of these prisoners of war to United States control and to their families and comrades was designated Operation Homecoming;

Whereas many members of the United States Armed Forces who were taken prisoner as a result of ground or aerial combat in Southeast Asia have not returned to their loved ones and their whereabouts remain unknown;

Whereas United States prisoners of war in Southeast Asia were routinely subjected to brutal mistreatment, including beatings, torture, starvation, and denial of medical attention;

Whereas United States prisoners of war in Southeast Asia were held in a number of facilities, the most notorious of which was Hoa Loa Prison in downtown Hanoi, dubbed the ''Hanoi Hilton'' by the prisoners held there;

Whereas the hundreds of United States prisoners or war held in the Hanoi Hilton and other facilities persevered under terrible conditions;

Whereas the prisoners were frequently isolated from each other and prohibited from speaking to each other;

Whereas the prisoners nevertheless, at great personal risk, devised a means to communicate with each other through a code transmitted by tapping on cell walls;

Whereas then-Commander James B. Stockdale, United States Navy, who upon his capture on September 9, 1965, became the senior POW officer present in the Hanoi Hilton, delivered to his men a message that was to sustain them during their ordeal, as follows: Remember, you are Americans. With faith in God, trust in one another, and devotion to your country, you will overcome. You will triumph.;

Whereas the men held as prisoners of war during the Vietnam conflict truly represent all that is best about America;

Whereas two of these patriots, Congressman Sam Johnson, of Texas, and Senator John McCain, of Arizona, have continued to honor the Nation with devoted service; and

Whereas the Nation owes a debt of gratitude to all of these patriots for their courage and exemplary service: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its gratitude for, and calls upon all Americans to reflect upon and show their gratitude for, the courage and sacrifice of the brave men who were held as prisoners of war during the Vietnam conflict, particularly on the occasion of the 25th anniversary of Operation Homecoming, their return from captivity; and

(2) acting on behalf of all Americans—

(A) will not forget that more than 2,000 members of the United States Armed Forces remain unaccounted for from the Vietnam conflict; and

(B) will continue to press for the fullest possible accounting for such members.

THE FEDERAL WETLANDS PERMIT PROGRAM

Mr. LOTT. Mr. President, I want to call attention to a Federal permit program that is causing problems in Mississippi, in the Southeastern United States and, indeed, in the entire United States: the Federal Section 404 ''wetlands'' permit program. This program has its roots in Section 404 of the Clean Water Act, but has been designed primarily by the Federal courts and the Federal agencies, the Environmental Protection Agency and the U.S. Army Corps of Engineers, and not by the elected officials of this Nation.

Twenty years have passed since the Congress of the United States has addressed this program legislatively. Currently, a Federal appellate court decision, two pending appellate court cases and a new proposed rulemaking by the Corps of Engineers are stirring up controversy about this program. No one should be surprised. This program is held together by baling wire and string and pieces are beginning to fall off all over the place.

I encourage the Senate Environment and Public Works Committee to bring to the full Senate legislation that makes meaningful, common sense changes to the Section 404 permit program. Review of this program is long overdue. Mr. President, I hope that this Congress can take meaningful action on the Section 404 program in 1998.

One basic controversy about this program is the issue of the areas that are regulated as wetlands. The Federal agencies have interpreted their jurisdiction to extend to the farthest reaches of the Commerce Clause, and, I think, even beyond, including those isolated areas that merely ''could affect'' interstate commerce. Specifically, to some agencies this means those areas where a migratory bird ''could'' land. To make this grab for jurisdiction worse, according to the U.S. Fish and Wildlife Service, 75 percent of all Section 404 regulated areas are on privately owned property!

On December 23, in Wilson v. United States Corps of Engineers, the United States Court of Appeals for the Fourth Circuit overturned the criminal convictions of an individual, a corporation and a partnership for violating the Section 404 program in Charles County, Maryland. The individual had been sentenced to 21 months in jail and the three defendants had been fined a total of $4 million. The Fourth Circuit overturned the convictions and remanded the case to the district court, finding that only those areas that are either connected on the surface to navigable waters or are proven to be in interstate commerce could be regulated under the Section 404 program. Specifically, the court held that:

> Absent a clear indication to the contrary, we should not lightly presume that merely by defining 'navigable waters' as 'the waters of the United States', Congress authorized the Army Corps of Engineers to assert its jurisdiction in such a sweeping and constitutionally troubling manner. Even as a matter of statutory construction, one would expect that the phrase 'waters of the United States', when used to define the phrase 'navigable waters' refers to waters which, if not navigable in fact, are at least interstate or closely related to navigable or interstate waters. When viewed in light of its statutory authority, (the regulation), which defines 'waters of the United States' to include intrastate waters that need have nothing to do with navigable or interstate waters, expands the statutory phrase 'waters of the United States' beyond its definable limit.
>
> Accordingly, we believe that in promulgating (the regulation), the Army Corps of Engineers exceeded its congressional authorization under the Clean Water Act, and that, for this reason, (the regulation) is invalid.

At long last, this case begins to limit the reach of the bureaucracy onto privately owned property under this program.

A second area of controversy is a regulation issued by the Clinton Administration in September, 1993, that broadly expanded the definition of activities that are regulated under the Section 404 program. As many of you know, this permit problem was never designed to be a wetlands permit program, but rather evolved in that direction through judicial rulings and agency interpretations. The activities in ''wetlands'' that are regulated under Section 404 of the Clean Water Act are the ''discharge of dredged and fill material'' into the ''navigable waters''. On the face of it, the statute does not cover other activities that could degrade wetlands, such as ''draining'' or ''excavating'' wetlands. Obviously, if we are going to have a wetlands regulatory program and protect valuable wetlands, the program needs to cover ''drainage'' and ''excavation.''

In September 1993, the Clinton Administration issued a rulemaking that expanded coverage of the Section 404 program to include activities like drainage and excavation. Many of us noted that this might be good public policy, but this expansion exceeded the statute, and legislation would be necessary to expand the program to cover these activities.

On January 23, 1997, a Federal district court in the District of Columbia struck down this regulation, called the Tulloch rule, as exceeding the statutory authority of the Clean Water Act. On January 9, 1998, the United States Court of Appeals for the District of Columbia Circuit heard oral arguments in this case. The Federal government had a rough day in court. I am told that the judges suggested that the agency interpretation of the jurisdictional reach of the Section 404 program went as far as ''land that might be wet someday''. One of the appellate judges asked the government attorney whether riding a bike through a wetland, where dirt accumulated on the tires and then fell off into the wetland during riding, would be an activity regulated under the Section 404 program. The government attorney answered yes, but the regulation was not aimed at this activity. The judge answered correctly, ''Not yet!''

This brings me to a recent Corps judgment on Nationwide Permit 26 that was attacked on the front page of the Washington Post on Saturday, January 31st.

With the Corps and the EPA interpreting almost every activity as one covered by the Section 404 program, the Corps has adopted a series of Nationwide Permits that cover routine activities and prevent the necessity of proceeding through the costly and time-consuming normal permitting process. One of these permits, Nationwide Permit 26, which covers certain areas up to 3 acres in size, is scheduled to expire in December 1998. The Corps is developing a series of ''replacement permits''. These ''carve outs'' are essential if the Corps is to be able to manage this program without enormous delays in permit processing times. This is particularly true as the bureaucracy continually expands the types of activities that are regulated under the Section 404 program. Yet, some interest groups are attempting to pressure the Administration to reject these replacement permits. If they are successful, I am convinced that the program will fall into disarray, prompting calls not only for the reform of the current program, but the repeal of the whole thing. We will all have to keep an eye on this development.

Finally, a case is pending in the United States Court of Appeals for the Ninth Circuit styled Resource Investments, Inc. v. U.S. Army Corps of Engineers. In this case, the Corps used its Section 404 regulations to overturn the judgment of a county government in a public bid process regarding the location of a new solid waste disposal facility. I can assure you that it is not this Senator's view that the mission of the Army Corps of Engineers is to make judgments that historically have been within the purview of local elected officials.

Mr. President, this is just a quick survey of some of the judgments that are being made by Federal agencies and Federal courts regarding the Section 404 program. These judgments sometimes expand and sometimes narrow this program. What is missing—and has been missing for 20 years—is the judgment of elected officials about fundamental aspects of this regulatory program that defy common sense and so often intrude on privately owned property, local economic activities and governmental infrastructure decisions. It is long-past time for the committee of jurisdiction over this program to bring forth legislation that proposes meaningful and responsible adjustments to this awful program.

By the way, Mr. President, I should add one more thing. The current President of the United States, when he was the Governor of Arkansas, chaired the Lower Mississippi River Delta Development Commission. The statutory charge of this Commission was to study the seven-state Lower Mississippi River Delta region and to develop a ten-year regional economic development plan. This is a particularly troubled region economically. Both my state of Mississippi and the President's state of Arkansas contain portions of the Lower Mississippi River Delta.

In May, 1990, the Commission filed its report, which was submitted to Congress over the signature of the current President. That report specifically addressed the problems of Federal wetlands regulation, stating:

The national wetlands policy has caused significant problems for agriculture, aquaculture and commercial and industrial development.

* * * * *

Current definitions do not adequately differentiate the quality of wetlands.

* * * * *

Current interpretations of the national wetlands policy have placed major limitations on the Delta's economy because commercial and industrial development is being impaired. (all quotes from page 80 of the report)

The report then made a number of recommendations, including these two from page 81 of the report:

Congress should direct appropriate federal agencies to establish minimum-sized wetlands for regulation.

* * * * *

Congress should assign the responsibility for identification and maintenance of a wetlands inventory to one agency, and require consultation with other affected agencies.

Mr. President, the President of the United States seems to have forgotten what he learned as chair of the Lower Mississippi River Delta Development Commission. The current Federal Section 404 permitting program regulates all wetlands regardless of size and is administered by two Federal agencies: the Corps of Engineers and the EPA. The President was correct with respect to these recommendations in 1990, but now that he is in a position to act, nothing has happened. I would hope that the President of the United States would submit at least these meaningful changes to Congress for our consideration in 1998.

Mr. BOND. Mr. President, I share the concerns of the Majority Leader regarding the shortcomings of the Section 404 program. In light of the recent and pending court cases, as well as the ongoing controversy over the scheduled demise in December of Nation Wide Permit 26, I agree strongly that Congress must address the Section 404 program legislatively. We should not continue to let the program bob and weave and stray in response to interpretations or policy preferences of each successive court decision or agency action. The law is unpredictable and it is not fair to the agencies administering the law or the landowners impacted by the law.

Based on accounts of the oral arguments in the United States Court of Appeals for the District of Columbia Circuit, and subsequent conversations my staff has had with various officials, it appears very possible that the lower court decision on the ''Tulloch'' rule will be upheld. The ''Tulloch'' rule extends regulation under the Section 404 program to activities like ''drainage'' and ''excavation'' that harm wetlands. The lower court held that expanding the Section 404 program to cover these activities might be very good public policy, but the current statute does not cover these activities. Legislation expanding the program will be needed. In its successful attempt to obtain a stay of the lower court decision, the Federal government filed documents suggesting that the failure to regulate ''drainage'' and ''excavation'' would be an environmental catastrophe. Thus, if the Court of Appeals upholds the lower court decision, legislation will be necessary to cover these activities.

My colleague from Louisiana and I have released a series of proposals in a ''discussion draft'' to encourage discussion of these difficult issues. One proposal in the draft would expand the activity regulated under Section 404 to include ''drainage'' and ''execution.'' This draft signals our commitment to engage in a constructive process with all parties to develop legislation that will stabilize the Section 404 program, expand the program to cover activities that are destructive to wetlands and make a number of common sense changes to the program that will make it more acceptable to private landowners on whose property 75% of these regulated areas are located.

Senator BREAUX and I released our discussion draft last summer. Time is growing short in this session of Congress, yet there is still time to act if there is a willingness of the various stakeholders to negotiate constructively and the will for us to legislate. I believe that I speak for my colleague from Louisiana when I pledge our cooperation in any reasonable process to develop Section 404 improvement legislation that will earn the support of a majority of our colleagues and will be good both for the environment and the regulated community.

Mr. President, I agree with the Majority Leader. Twenty years without legislative attention is long enough for the Section 404 program. The time has arrived to tackle this difficult issue.

NOTICE OF ADOPTION OF AMENDMENTS

Mr. THURMOND. Mr. President, pursuant to Section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1383), a Notice of Adoption of Amendments was submitted by the Office of Compliance, U.S. Congress. This notice contains amendments to Procedural Rules of the Office of Compliance to cover the General Accounting Office and the Library of Congress under various sections of the Congressional Accountability Act.

Section 304 requires this notice and the amendments to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the Notice and Amendments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: AMENDMENTS TO PROCEDURAL RULES

NOTICE OF ADOPTION OF AMENDMENTS

Summary: The Executive Director of the Office of Compliance (''Office''), with the approval of the Board of Directors (''Board''), having considered comments received in response to the Notice of Proposed Rulemaking (''NPRM'') published on October 1, 1997, 143 Cong. Rec. S10291 (daily ed. Oct. 1, 1997), has amended the Procedural Rules of the Office of Compliance to cover the General Accounting Office (''GAO'') and the Library of Congress (''Library'') and their employees under the rules governing: (1) proceedings involving Occupational Safety and Health inspections, citations, and variances under section 215 of the Congressional Accountability Act of 1995 (''CAA''), and (2) ex parte communications.

The NPRM also proposed to extend the Procedural Rules to cover GAO and the Library and their employees for purposes of processing allegations of violation of sections 204–206 of the CAA, which apply rights and protections of the Employee Polygraph Protection Act of 1988 (''EPPA''), the Worker Adjustment and Retraining Notification Act (''WARN Act''), and the Uniformed Services Employment and Reemployment Rights Act of 1994 (''USERRA''), and of section 207 of the CAA, which prohibits employing offices from intimidating or taking reprisal against covered employees for exercising rights under the CAA. However, by a recently published Supplementary Notice of Proposed Rulemaking, 143 Cong. Rec. S86 (daily ed. Jan. 28, 1998), the Office is requesting further comment on whether the Procedural Rules should be extended to cover GAO and the Library with respect to alleged violations of sections 204–207, and no final action will be taken on this question until the comments have been received and considered.

Availability of comments for public review: Copies of comments received by the Office in response to the NPRM are available for public review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact: Executive Director, Office of Compliance, at (202) 724–9250 (voice), (202) 426–1912 (TTY). This notice will also be made available in large print or braille or on computer disk upon request to the Office of Compliance.

SUPPLEMENTARY INFORMATION

The Congressional Accountability Act of 1995 (''CAA'' or the ''Act''), Pub. L. 104–1, 2 U.S.C. §§1301–1438, applies the rights and protections of eleven labor, employment, and public access laws to certain defined ''covered employees'' and ''employing offices'' in the Legislative Branch. The CAA expressly includes GAO and the Library and their employees within the definitions of ''covered employees'' and ''employing offices'' for purposes of four sections of the Act: (a) section 204, making applicable the rights and protections of the Employee Polygraph Protection Act of 1988 (''EPPA''); (b) section 205, making applicable the rights and protections of the Worker Adjustment and Retraining Notification Act (''WARN Act''); (c) section 206, making applicable the rights and protections of section 2 of the Uniformed Services Employment and Reemployment Rights Act of 1994 (''USERRA''); and (d) section 215, making applicable the rights and protections of the Occupational Safety and Health Act of 1970 (''OSHAct''). These four sections go into effect by their own terms with respect to GAO and the Library one year after transmission to Congress of the study under section 230 of the CAA. The study was transmitted to Congress on December 30, 1996, and sections 204–206 and 215 therefore went into effect at GAO and the Library on December 30, 1997.

The purpose of the NPRM was to extend the Procedural Rules of the Office to cover GAO and the Library and their employees for purposes of any proceedings in which GAO or the Library or their employees may be involved. To accomplish this, the NPRM proposed to cover GAO and the Library and their employees in four respects: (1) Sections 401–408 of the CAA establish administrative and judicial procedures for considering alleged violations of part A of Title II of the CAA, which includes sections 204–206, and the NPRM proposed to extend the Procedural Rules to include GAO and the Library and their employees for the purpose of resolving any allegation of a violation of sections 204–206. (2) Section 207 prohibits employing offices from intimidating or taking reprisal against any covered employee for exercising rights under the CAA, and the NPRM proposed to extend the Procedural Rules to include GAO and the Library and their employees for the purpose of resolving any allegation of intimidation or reprisal prohibited under section 207. (3) Section 215 specifies the procedures by which the Office conducts inspections, issues citations, grants variances, and otherwise enforces section 215, and the NPRM proposed to extend the Procedural Rules to cover GAO and the Library and their employees for purposes of proceedings involving section 215. (4) Section 9.04 of the Procedural Rules governs ex parte communications, and the NPRM proposed to extend the Procedural Rules to cover these instrumentalities and employees for purposes of section 9.04.

In the only comment received in response to the NPRM, the Library argued that ''Congress expressly excluded the Library and other instrumentalities of Congress from the application of Titles I, III, IV and V of the CAA,'' which include the administrative and judicial procedures established in sections 401–408. (The Office of Compliance has made the Library's entire submission available for public review in the Law Library Reading Room of the Law Library of Congress, at the address and times stated at the beginning of this Notice.) As to whether GAO and the Library and their employees are covered by the procedures mandated by sections 401–408 when a violation of sections 204–207 is alleged, the Library's comments raise issues of statutory construction upon which the Office seeks further comment. To solicit such comments, the Office recently published a Supplementary Notice of Proposed Rulemaking, 143 Cong. Rec. S86 (daily ed. Jan. 28, 1998), and will make no decision as to whether the Procedural Rules will be amended to cover GAO and the Library and their employees for purposes of resolving allegations of violations of sections 204–207 until after the comments are received and considered.

The issues of statutory construction raised by the Library's comments are not pertinent, however, to proceedings under section 215 and to rules regarding ex parte communications. The procedures under section 215 expressly cover GAO and the Library and their employees because section 215(a)(2)(C)–(D) explicitly includes these instrumentalities and employees within the definitions of ''employing office'' and ''covered employee'' for purposes of applying the OSHAct ''under this section [215].'' As to ex parte communications, section 9.04 of the Procedural Rules includes within its coverage any covered employee and employing office ''who is or may reasonably be expected to be involved in a proceeding or rulemaking.'' The CAA explicitly authorizes GAO and the Library and their employees to be involved in proceedings under section 215(c), as described above, and the Library itself has exercised its right to be involved in the Office's rulemaking proceedings.

The Library further notes that the substantive regulations adopted by the Board to implement section 215 have not yet been approved by the House and Senate pursuant to section 304 of the CAA and argues: ''Since all OSHA regulations must follow the procedures for adopting substantive rules under section 304 of the Act, including approval by Congress, it would seem more appropriate to delete the reference to the coverage of the Library for purposes of section 215 of the CAA, in order to avoid confusion over the effect of possible Congressional approval of these proposed rules but not the underlying provisions applying to OSHA procedures.'' However, the Library's assumption that ''all OSHA regulations,'' including provisions of the Procedural Rules describing the Office's procedures under section 215, are subject to Congressional approval is incorrect. Congressional approval under section 304 is required only for the regulations adopted by the Board under section 215(d) of the CAA, which must generally be the same as the substantive regulations promulgated by the Secretary of Labor to implement section 5 of the OSHAct. The Board adopted such regulations for employing offices other than GAO and the Library and submitted the regulations to Congress for approval under section 304, see 143 CONG. REC. S61 (daily ed. Jan. 7, 1997), and recently amended those regulations to cover GAO and the Library and submitted the amendments to Congress for approval, see 143 CONG. REC. S11663 (daily ed. Nov. 4, 1997). However, the Procedural Rules, including provisions describing the Office's procedures under section 215 of the CAA, were adopted under section 303 of the CAA, which authorizes the Executive Director, subject to the approval of the Board, to adopt rules governing the procedures of the Office. See 143 CONG. REC. H1879, H1879–80 (daily ed. Apr. 24, 1997). The amendments in this Notice are likewise adopted under section 303, so the Library's expressed concern is unfounded.

Finally, although no comments were received regarding the specific language of the proposed amendments to the rules, the final adopted rules differ slightly from the text of the proposed amendments. The preamble to the NPRM explained that the purpose of the rulemaking was to cover GAO and the Library and their employees ''for purposes of any proceedings in which GAO and the Library or their employees may be involved as employing offices or covered employees,'' and, with respect to section 215, the preamble stated that GAO and the Library would be covered ''for the purposes of proceedings involving section[] . . . 215 of the CAA . . . .'' 143 CONG. REC. S10291, S10292 col. 1 (daily ed. Oct. 1, 1997). However, the proposed rules in the NPRM described specific kinds of proceedings under section 215, i.e., enforcement of inspection and citation provisions of the CAA and the granting of variances, and stated that GAO and the Library would be covered for purposes of those specific proceedings. Id. at S10292 col. 2. To avoid any confusion, the final rules have been simplified and revised to make clear that they cover GAO and the Library for purposes of ''[a]ny proceeding under section 215.'' Section 1.02(q)(1) of the Procedural Rules, as amended by this Notice.

Signed at Washington, D.C., on this 9th day of February, 1998.

RICKY SILBERMAN,
Executive Director, Office of Compliance.

The Executive Director of the Office of Compliance hereby amends section 1.02 of the Procedural Rules of the Office of Compliance by revising paragraphs (b) and (h) and

by adding at the end of the section a new paragraph (q) to read as follows:

"§ 1.02 Definitions.

''Except as otherwise specifically provided in these rules, for purposes of this Part:

* * * * *

''(b) *Covered employee*. The term 'covered employee' means any employee of:

''(1) the House of Representatives;

''(2) the Senate;

''(3) the Capitol Guide Service;

''(4) the Capitol Police;

''(5) the Congressional Budget Office;

''(6) the Office of the Architect of the Capitol;

''(7) the Office of the Attending Physician;

''(8) the Office of Compliance; or

''(9) for the purposes stated in paragraph (q) of this section, the General Accounting Office or the Library of Congress.

* * * * *

''(h) *Employing Office*. The term 'employing office' means:

''(1) the personal office of a Member of the House of Representatives or a Senator;

''(2) a committee of the House of Representatives or the Senate or a joint committee;

''(3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate;

''(4) the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; or

''(5) for the purposes stated in paragraph (q) of this section, the General Accounting Office and the Library of Congress.

* * * * *

''(q) *Coverage of the General Accounting Office and the Library of Congress and their Employees*. The term 'employing office' shall include the General Accounting Office and the Library of Congress, and the term 'covered employee' shall include employees of the General Accounting Office and the Library of Congress, for purposes of the proceedings and rulemakings described in subparagraphs (1) and (2):

''(1) Any proceeding under section 215 of the Act. Section 215 of the Act applies to covered employees and employing offices certain rights and protections of the Williams-Steiger Occupational Safety and Health Act of 1970.

''(2) Any proceeding or rulemaking, for purposes of section 9.04 of these rules.''

PROGRESS IN BOSNIA

Mr. BIDEN. Mr. President, one of the most important foreign policy issues with which the Congress must deal in the coming months is continued American involvement in Bosnia and Herzegovina.

Last December, President Clinton announced his decision that the United States should maintain ground troops in an international force that will replace SFOR, whose mandate expires in June. Soon, he will ask the Congress for the funding to support this operation.

I support the President's decision as being squarely in the national self-interest of the United States. As I have said on many other occasions, the stability of southeastern Europe depends on the ability of the Bosnians, working with the international community, to create a self-sustaining, peaceful, democratic system in their country.

Failure to achieve this goal would inevitably restart the violence that produced the worst bloodletting in Europe since World War II, and would almost certainly ignite the ethnic tinderbox that is smoldering in neighboring countries. Other potential Radovan Karadzics cannot be encouraged to believe that they can get away with similar crimes. The devil's work of the mass murderers, ethnic cleansers, and rapists in Bosnia must not be allowed to stand in that country or, worse still, to be repeated there and elsewhere.

Moreover, as President Clinton said in his State of the Union address, staying the course in Bosnia is a test of American leadership in Europe in general, and in NATO in particular. It was American military involvement in the fall of 1995 and our diplomatic leadership in crafting the Dayton Accords that ended the carnage in Bosnia.

Make no mistake about it: we are the indispensable country in the European security equation, as Bosnia demonstrates. Although our alliance partners are shouldering the lion's share of the economic and military burden in Bosnia, without our participation on the ground and in the air, SFOR and any post-SFOR force would be impossible.

The task in Bosnia is complex and will take several more years to complete. President Clinton himself admitted his error in thinking that nearly four years of horrific violence could be remedied in one year, or even two-and-a-half years.

But our commitment to assisting the Bosnians, of course, is not open-ended. Rather than tieing our exit to an artificial date, we should—and will—link it to the completion of clearly defined criteria, such as the establishment of a functioning national government and other national institutions, seated elected local governments, free media, and a free-market economy. I have every confidence that the Administration will spell out these benchmark criteria in detail in its request for U.S. participation in the international force after this June.

I had the opportunity to accompany the President to Bosnia before Christmas—my fourth journey in recent years to that troubled land. The trip confirmed the impressions that I gained in a longer trip last summer: we have made significant progress in implementing the military and civilian provisions of the Dayton Accords.

I scarcely need to add the caveat that much still remains to be done to put Bosnia back on firm footing. Today I have several concrete policy proposals to further that end.

To put them into context, I would like to review in some detail the significant progress that has been made in the last nine months in implementing both the military and civilian provisions of the Dayton Accords.

Mr. President, I believe that even the most skeptical observer has to admit that the situation in Bosnia has improved greatly since Dayton, and with an increased tempo in the last nine months.

Thanks to our magnificent troops in IFOR and SFOR and those of allied and partner countries, a stable military environment has been created and the warring parties separated. No fewer than three hundred thousand troops from all sides have returned to civilian life.

Nearly seven thousand heavy weapons have been destroyed, and an additional two thousand six hundred put into supervised cantonments.

A joint Muslim-Croat Federation Defense Force has been created, although below the top command much more integration remains to be accomplished. The American Train and Equip Program to create a defensive Federation capability is in full swing. I visited its headquarters last summer, and was impressed with its trainers and its Muslim and Croat students.

Progress has also been made in creating non-political local police forces, both in the Federation and in the Republika Srpska. Integrated police forces are operating in eight major locations around the country, including the pivotal northern town of Brcko, whose future will be determined in March by an international arbitrator.

The International Police Task Force or IPTF has had its share of problems, perhaps unavoidable given the fact that no fewer than forty countries are contributing officers to it. Recent reforms, however, in which Americans have played a prominent role, have strengthened its professionalism. A new Federation Police Academy has been opened near Sarajevo to train new recruits from all religious groups.

Last fall, I called for our European allies to contribute forces from their paramilitary formations to create a gendarmerie in Bosnia as a vital middle layer—under SFOR control—between the local police and SFOR. Although there was an initial, predictable negative public reaction from Europe, I am told that several of our partners are now actively considering the idea. These European gendarmes could provide the security for newly elected municipal governments, guarantee safety for minority refugee returns, and take over the lead-role in capturing indicted war criminals.

In fact, slowly but surely the indicted war criminals are already being rounded up. Nearly one-third of the seventy-nine individuals under open indictment have been taken into custody in the War Crimes Tribunal in the Hague.

Last month, for the first time American SFOR troops carried out a capture operation, seizing a notorious Bosnian Serb who as the sadistic commander of a prison camp called himself the ''Serb Adolf'' and reveled in his grisly murder of Muslims. He is one of only a handful

of individuals in Bosnia indicted for genocide.

NATO Secretary-General Solana has publicly pledged to arrest such war criminals when NATO troops find them, but proceeding with careful preparation so as to avoid undue risk. I welcome his statement and urge an acceleration of the process, to be taken over as soon as possible—as I just mentioned—by a European gendarmerie.

Contrary to popular belief, Mr. President, many refugees and displaced persons have returned home—more than 400,000 in fact. The number of minority returnees represents only a small fraction of the total, but even here there has been notable progress in several cities in the past few months.

Mr. President, there are other positive signs emanating from Bosnia. Thanks to pressure from SFOR, the Bosnian media have been restructured. The hate-filled television broadcasts of the Karadzic forces have been put under the oversight of the High Representative, and the Organization for Security and Cooperation in Europe (OSCE). Equally important, the internationally funded Open Broadcast Network now reaches eighty percent of Bosnia and Herzegovina.

The economic life of the Federation is rapidly improving, although a huge amount remains to be rebuilt. GDP grew by 53% in 1996 and 35% last year, and unemployment has been cut in half, from 90% to 44%.

A central factor in the economic resuscitation of the Federation has been international assistance, and our USAID is generally acknowledged to have been the most efficient national agency in delivering emergency assistance in a variety of ways. I have personally seen the targeted programs of USAID contractors helping minority refugees to return and rebuild their own houses. Moreover, USAID assistance has created over 11,000 jobs and provided sixty-eight million dollars in loans to one hundred forty medium-sized Bosnian enterprises.

From all international sources more than 230 miles of roads have been rebuilt throughout Bosnia and twenty-one key bridges repaired and made functional again.

Economic progress in the Republika Srpska has lagged far behind that of the Federation, primarily because the Karadzic-dominated government in Pale obstructed implementation of the civilian parts of the Dayton Accords. I will return shortly to the issue of how best to assist the Republika Srpska to get back onto its feet.

Progress has been uneven in fleshing out the institutions of government mandated by Dayton. While all national and entity-level institutions have been created, the joint presidency is a fractious and hamstrung organization, and tax, customs, and banking bodies are still not fully functioning.

We clearly must put more pressure on the various parties to make the system work, and recent events give me some confidence that this is beginning to happen. The High Representative for Bosnia, the impressive Spanish diplomat Carlos Westendorp, has been given additional powers by the international community, and he is using them. Last month, fed up with stalemate among the representatives of the three major religious groups, Mr. Westendorp imposed a common currency on the country. When the three groups seemed deadlocked on a common national license plate, he forced the issue, and an agreement was reached. Most recently, when they failed to agree on the design of a national flag, Mr. Westendorp made the choice and imposed it on them.

In contrast to the grudging pace of reform at the national level, there has been quite remarkable progress at the entity and local levels of government.

Democratic elections have been held with turn-outs averaging more than seventy percent. The trend has been toward marginalizing the ethnic extremists, who have either been voted out of office or removed by the High Representative from positions in towns in both the Federation and the Republika Srpska.

Then last month, Mr. President, a stunning and heartening development took place in Bosnia. A non-nationalist Bosnian Serb named Milorad Dodik was elected Prime Minister of the Republika Srpska.

I met Mr. Dodik last August in Banja Luka. He seems genuinely to believe in a unified, multi-ethnic Bosnia, and his behavior during the four years of violence was exemplary. In fact, his razor-thin victory in the Republika Srpska parliament was made possible by the support of sixteen Muslim and several Croat deputies.

Nominated for his position by Republika Srpska President Plavsic, Prime Minister Dodik has crafted a program that goes beyond that of his patron:

He has pledged to implement Dayton fully, including completing the unification of the police forces of the Republika Srpska and of the Federation.

He has said he will seek an equitable solution to the refugee problem.

He has said that when he is firmly in power he will turn over all Serbs suspected of war crimes to the international tribunal in the Hague. In fact, the tribunal may soon open an office in Banja Luka.

He has guaranteed equal rights for all citizens.

He has called for the separation of religion and politics.

He has come out for independent media, pledging publicly to reorganize Bosnian Serb Radio and Television ''in accordance with the requirements of the Office of the High Representative . . . to develop into a professional, independent, and responsible network, open to everybody.''

Moreover, Prime Minister Dodik—himself a successful businessman—has set as a top priority the privatization and restructuring of the economy of the Republika Srpska. Central to this is his determination to eliminate the widespread corruption that has kept the Karadzic gang in power by eliminating their ability to tax, to impose customs duties—and then to siphon off the money for their personal use. He has already replaced the corrupt Karadzic appointees who ran the state-owned industries.

In an immediate measure to exert his control, Dodik is moving the Republika Srpska capital from Pale to Banja Luka, a measure that was officially approved by the Republika Srpska Parliament on January 31st by a wide margin.

Moreover, the Republika Sprska Parliament has voted to annul thirty-three laws passed by the Karadzic-dominated parliament after President Plavsic dissolved that body last summer.

My colleagues should understand that we must keep a sharp eye on Dodik—if for no other reason the fact that he is also being supported by Yugoslav President Milosevic—but there is no doubt whatsoever that Dodik is a vast improvement over the Pale gang that is actively resisting him.

The jury is still out as to who will emerge victorious, but, Mr. President, the very facts of Dodik's record, his parliamentary victory, and his reform program are an eloquent rebuttal to the many superficial and utterly erroneous statements about Bosnian history that we have often heard in this country, even on the floor of this chamber.

We have repeatedly heard the refrain of how ''those people in Bosnia have never gotten along,'' how ''they have fought each other for five hundred years,'' and how ''they are incapable of living together.''

I hope that as we go forward in Bosnia, we can finally dispense with these tired cliches, which, in essence, have been an excuse not to deal with the real world.

Mr. President, in my twenty-five years in the Senate my colleagues have called me many things, but ''starry-eyed'' is not one of them. In taking note of the progress that has been achieved in Bosnia, I do not for one minute believe that we are on the edge of victory, or even that the final goal of a multi-ethnic, democratic, free-market Bosnia is certain to be achieved.

But I do think that a sober, objective reading of the current situation gives cause for some optimism that we have turned the corner.

In conclusion, I would like to offer a six-point plan to correct some missteps-steps and to keep up the positive momentum in Bosnia.

First, in the very near future we must secure the commitment of several of our allies to contribute troops to create the European paramilitary

gendarme force for Bosnia, which I described earlier, to handle a variety of civilian security tasks. This is eminently do-able and would provide a tremendous boost to Dayton implementation.

Second, although we will almost certainly reduce the size of the American troop commitment in the post-SFOR force from the current eight thousand five hundred, the President must make clear to the American public that he is prepared to raise that number again if our commander on the ground in Bosnia certifies that the security situation warrants it.

Third—and this may not sit well with some of my colleagues—I believe that if a continued American troop presence in Bosnia is an important national interest, as it manifestly is—then I think this priority should be reflected in a supplemental appropriation that does not reprogram other military funding. In other words, we should not sacrifice readiness elsewhere to pay for Bosnia. Both are essential, and we can afford both.

Fourth, we should support Republika Srpska Prime Minister Dodik by speedily providing assistance to his central government and to localities that implement Dayton, but not provide it in an indiscriminate way. What do I mean by that?

I mean that henceforth in order to receive American USAID assistance, all Bosnian municipalities, both in the Republika Srpska and in the Federation, by a reasonable date-certain would have to join the Open Cities Program to welcome returning minority refugees, seat their municipal councils that were legally elected last September, and deny sanctuary to indicted war criminals.

I would also design USAID reconstruction projects that designate for returning minority refugees housing units or jobs in rebuilt factories.

Let me underscore, Mr. President—and this is key—my plan means not providing assistance to localities until they comply. The date-certain must be reasonable, but firm.

The restrictions I propose are not intended to undercut Prime Minister Dodik, whom I support. But we must be clear: the American policy goal is not just to have a rhetorically friendlier Republika Srpska government, but is rather to help build a multi-ethnic, democratic Bosnia.

Fifth, as a specific corollary of this last point, we should force the Bosnian Muslim SDA Party, the senior partner in the Federation government, to welcome returning Bosnian Serb and Bosnian Croat refugees back to Sarajevo and to enact legislation to enable non-Muslims to reclaim their former apartments in ''socially owned,'' that is, public housing.

I have advocated these steps for months. Last week, under pressure from our talented Special Envoy Ambassador Bob Gelbard, Bosnian President Izetbegovic finally agreed to admit twenty thousand Serbs and Croats and to introduce the property legislation. We must now hold him to his word, using assistance as a lever.

The Bosnian Muslims, the principal victims of the carnage of the last four years, know that they have no stronger defender in Congress than me. But they must also realize that all groups in Bosnia—Muslims, Croats, Serbs, and others—deserve equal treatment as the country is rebuilt and made healthy again. I cannot stress this point enough.

Sixth, in the preparations for the pivotal Bosnian national elections next September we should greatly increase our support for the non-nationalist, multi-ethnic parties in the Federation and the Republika Srpska.

Until now, this task in the field has been handled principally by the U.S. National Democratic Institute, which has done superb work.

We should now pressure the OSCE to involve the multi-ethnic parties in the work of the Provisional Election Commission, which sets the ground rules.

For example, until now, incredible as it may sound, only the nationalist parties have had access to voters' lists!

Mr. President, Bosnia has come a long way since the horrifying days only two-and-a-half years ago when daily mortar attacks and snipers terrorized Sarajevo and Mostar, when thousands were brutally murdered in Srebrenica and elsewhere, and when women were degraded in bestial rape camps.

Much work remains to be done, but there is light at the end of the tunnel. A peaceful, democratic Bosnia is central to the peace of Europe, and therefore to America's national interest. And American leadership is absolutely essential to the rebuilding of the country.

For all these reasons, I am confident that in the coming weeks when the Congress is called upon to support an extension of the American commitment to Bosnia, it will respond affirmatively.

I thank the Chair and yield the floor.

COPYRIGHT COMPULSORY LICENSE IMPROVEMENT ACT

Mr. HATCH. Mr. President, my good friend and colleague Mr. COBLE, the Chairman of the House Judiciary Intellectual Property Subcommittee introduced in the House today the Copyright Compulsory License Improvement Act. I had intended to introduce similar legislation in the Senate today, but have decided to allow some of my colleagues on the Judiciary Committee time to review this important legislation and join me in presenting legislation to the Senate.

Let me first thank Mr. COBLE for his leadership in this area. He and his staff have worked tirelessly to develop the bill he introduced today. It is legislation that will set the stage for increased competition in the multi-channel video delivery market, and that means greater viewer choice in getting television. It is always a pleasure to work with Chairman COBLE, and I look forward to working with him as we perfect this legislation and move it to enactment. I have also worked with the ranking member of the Senate Judiciary Committee, Senator LEAHY, who has provided valuable input into the Senate legislation.

I must also acknowledge the input of the Register of Copyrights and Copyright Office staff. They worked along with congressional staff in creating this legislation.

Let me say that I believe the legislation that Chairman COBLE and I have worked on effectively balances the various interests affected by the legislation. While I look forward to perfecting the legislation, I expect it to undergo revision as it moves through the process, I believe that the essential balance must be maintained for this legislation to move this year. And it is important that we enact legislation this year allowing satellite carriers to provide local carriage of broadcast signals within a broadcaster's local market. No reform is more important to making satellite competitive with cable for the long term. I believe the other reforms also set the stage for vigorous competition between satellite and cable, with adequate protections for the other interested parties whose works are delivered by them to viewers, which should result in lower prices and increased choices for viewers. This is important legislation for all of our constituents, but particularly for those in states with rural or mountainous areas such as my home state of Utah. I hope my colleagues will help work to enact these reforms this year so that the next generation of satellite television delivery can become a reality in the very near future.

I welcome input from all interested parties and my colleagues. And I look forward to introducing a companion to Mr. COBLE's bill when we return from our President's Day recess.

INNOCENT SPOUSES NEED RELIEF

Mr. KYL. Mr. President, I want to commend the chairman of the Senate Finance Committee, Senator BILL ROTH, for the very thoughtful and determined way that he has handled the Internal Revenue Service (IRS) reform effort.

Had he simply bowed to calls from some on the other side of the aisle to sweep problems with the IRS under the rug and rush the IRS reform bill to a vote, we probably would not have had the chance to shed light on the serious abuses that innocent spouses have experienced at the hands of the IRS. And we certainly would not have the chance to ensure that an effective fix for innocent spouses is included in the IRS reform legislation.

I think it is important to say at the outset that most IRS employees are law-abiding and professional, and most

of them deal fairly with taxpayers. It is important to remember, too, that the IRS has been given the difficult and thankless task of administering a Tax Code that is exceedingly complex, filled with contradictory provisions, and open to differing interpretations. But since the IRS has been given such tremendous power—power that can bankrupt families, put people out of their homes, and ruin lives—any abuse of that power cannot be tolerated.

Mr. President, last December, I hosted a Town Hall meeting and a series of other events in Arizona to solicit public comment about how best to reform the IRS. One of the people I heard from was a woman who divorced in late 1995. While she paid her taxes in full and on time during the last two years of her marriage, her husband did not. The IRS ultimately came after her for the taxes that her former spouse did not pay.

About two weeks after hearing from her—on December 19—I sent Chairman ROTH a letter identifying ways of improving the IRS reform bill, and on that short list was a recommendation to make innocent-spouse relief easier to obtain, and to make it available retroactively, or at least to all cases pending on the date of enactment of the bill.

So obviously, I am delighted that the Finance Committee has focused on the issue of innocent-spouse protection. The hearing held by the Committee just yesterday revealed just how seriously people can be abused. The Committee heard from several separated or divorced women who, like my constituent, had been pursued by the IRS for tax debts run up by their former husbands.

Mr. President, husband and wife are equal partners in a marriage. Financial obligations are a shared responsibility, and appropriately so. We need to be careful not to undermine the commitment that people have made to each other, or we may unintentionally create new incentives for couples to divorce merely to limit their tax obligations. That is how the marriage penalty was born—something we will need to fix later this year.

But there are unique circumstances that arise from time to time that make it inappropriate to hold one spouse liable for taxes that are primarily attributable to the other spouse. Those circumstances seem to arise far more frequently than one might think. One estimate by the General Accounting Office suggests that the IRS tries to collect taxes from the wrong spouse after a separation or divorce in at least 50,000 cases a year.

One of the women who testified before the Finance Committee yesterday was a fourth-grade teacher from Florida who divorced back in 1995. Her husband—himself a former field auditor for the IRS—has reportedly failed to file the couple's tax returns for 1993 and 1994. When he did later file joint returns, he allegedly forged her signature. The IRS has now put a lien on her home, while he is apparently paying just $200 to $300 per month toward the debt.

A widowed mother of five who has been on and off food stamps testified before the Committee. The IRS said she owes more than $527,000.

A disabled nurse has a lien put on her home for taxes dating back to the 1960s, even though her divorce decree explicitly stated that she was not responsible for her former husband's debts.

The problem is that, while the IRS is targeting these women, it is apparently failing to pursue their former husbands with equal vigor. There are cases where men, too, are the primary focus of the IRS's collection efforts, but this is predominately a problem that affects women. Nine out of 10 innocent spouses are women. Maybe that is because they are more likely to pay up when confronted by the IRS. Maybe it is because women sometimes have fewer resources available to defend themselves. In either case, singling out women for abusive collection efforts is just plain wrong.

One solution might be simply to repeal the joint liability rules. Maybe liability ought to be proportionate to each spouse's earnings during the marriage. I understand the Committee is looking at a range of options. One way or the other, though, we have got to solve this problem and get the IRS off the backs of women whose only offense is that they took their husband's word that their finances were in order. And we ought to be sure that whatever we do extends back retroactively.

Mr. President, I am obviously very appreciative of the fact that Chairman ROTH and the Finance Committee have focused on this very important issue. And again, I want to thank Chairman ROTH for resisting calls from the other side to merely rush ahead with an IRS reform measure before the Committee could deal with the innocent-spouse issue. I look forward to working with the Committee to ensure that an effective solution to this problem is included in the IRS reform bill before final passage.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, February 11, 1998, the Federal debt stood at $5,473,648,289,477.06 (Five trillion, four hundred seventy-three billion, six hundred forty-eight million, two hundred eighty-nine thousand, four hundred seventy-seven dollars and six cents).

One year ago, February 11, 1997, the Federal debt stood at $5,305,464,000,000 (Five trillion, three hundred five billion, four hundred sixty-four million).

Five years ago, February 11, 1993, the Federal debt stood at $4,175,669,000,000 (Four trillion, one hundred seventy-five billion, six hundred sixty-nine million).

Ten years ago, February 11, 1988, the Federal debt stood at $2,452,989,000,000 (Two trillion, four hundred fifty-two billion, nine hundred eighty-nine million).

Fifteen years ago, February 11, 1983, the Federal debt stood at $1,194,636,000,000 (One trillion, one hundred ninety-four billion, six hundred thirty-six million) which reflects a debt increase of more than $4 trillion—$4,279,012,289,477.06 (Four trillion, two hundred seventy-nine billion, twelve million, two hundred eighty-nine thousand, four hundred seventy-seven dollars and six cents) during the past 15 years.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING FEBRUARY 6TH

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending February 6, the U.S. imported 8,371,000 barrels of oil each day, 447,000 barrels more than the 7,894,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 56.8 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 8,371,000 barrels a day.

Mr. COVERDELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the executive calendar: No. 497, No. 498, No. 499 and No. 500.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed en bloc, are as follows:

THE JUDICIARY

Michael B. Thornton, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

DEPARTMENT OF THE TREASURY

Donald C. Lubick, of Maryland, to be an Assistant Secretary of the Treasury.

THE JUDICIARY

L. Paige Marvel, of Maryland, to be a Judge of the United States Tax Court for a term of fifteen years after she takes office.

EXECUTIVE OFFICE OF THE PRESIDENT

Richard W. Fisher, of Texas, to be Deputy United States Trade Representative, with the rank of Ambassador, vice Charlene Barshefsky, to which position he was appointed during the last recess of the Senate.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

NATIONAL SEA GRANT COLLEGE PROGRAM REAUTHORIZATION ACT OF 1998

Mr. COVERDELL. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 927) to reauthorize the Sea Grant Program.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 927) entitled ''An Act to reauthorize the Sea Grant Program'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Sea Grant College Program Reauthorization Act of 1998''.

SEC. 2. AMENDMENT OF NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. FINDINGS.

(a) Section 202(a)(1) (33 U.S.C. 1121(a)(1)) is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following:

''(D) encourage the development of forecast and analysis systems for coastal hazards;''.

(b) Section 202(a)(6) (33 U.S.C. 1121(a)(6)) is amended by striking the second sentence and inserting the following: ''The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions.''.

SEC. 4. DEFINITIONS.

(a) Section 203 (33 U.S.C. 1122) is amended—

(1) in paragraph (3)—

(A) by striking ''their university or'' and inserting ''his or her''; and

(B) by striking ''college, programs, or regional consortium'' and inserting ''college or sea grant institute'';

(2) by striking paragraph (4) and inserting the following:

''(4) The term 'field related to ocean, coastal, and Great Lakes resources' means any discipline or field, including marine affairs, resource management, technology, education, or science, which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, or Great Lakes resources.'';

(3) by redesignating paragraphs (5) through (15) as paragraphs (7) through (17), respectively, and inserting after paragraph (4) the following:

''(5) The term 'Great Lakes' includes Lake Champlain.

''(6) The term 'institution' means any public or private institution of higher education, institute, laboratory, or State or local agency.'';

(4) by striking ''regional consortium, institution of higher education, institute, or laboratory'' in paragraph (11) (as redesignated) and inserting ''institute or other institution''; and

(5) by striking paragraphs (12) through (17) (as redesignated) and inserting after paragraph (11) the following:

''(12) The term 'project' means any individually described activity in a field related to ocean, coastal, and Great Lakes resources involving research, education, training, or advisory services administered by a person with expertise in such a field.

''(13) The term 'sea grant college' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 207 (33 U.S.C. 1126) of this Act.

''(14) The term 'sea grant institute' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 207 (33 U.S.C. 1126) of this Act.

''(15) The term 'sea grant program' means a program of research and outreach which is administered by one or more sea grant colleges or sea grant institutes.

''(16) The term 'Secretary' means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.

''(17) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, or any other territory or possession of the United States.''.

(b) The Act is amended—

(1) in section 209(b) (33 U.S.C. 1128(b)), as amended by this Act, by striking '', the Under Secretary,''; and

(2) by striking ''Under Secretary'' every other place it appears and inserting ''Secretary''.

SEC. 5. NATIONAL SEA GRANT COLLEGE PROGRAM.

Section 204 (33 U.S.C. 1123) is amended to read as follows:

''SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

''(a) PROGRAM MAINTENANCE.—The Secretary shall maintain within the Administration a program to be known as the national sea grant college program. The national sea grant college program shall be administered by a national sea grant office within the Administration.

''(b) PROGRAM ELEMENTS.—The national sea grant college program shall consist of the financial assistance and other activities authorized in this title, and shall provide support for the following elements—

''(1) sea grant programs which comprise a national sea grant college program network, including international projects conducted within such programs;

''(2) administration of the national sea grant college program and this title by the national sea grant office, the Administration, and the panel;

''(3) the fellowship program under section 208; and

''(4) any national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed with the approval of the panel, the sea grant colleges, and the sea grant institutes.

''(c) RESPONSIBILITIES OF THE SECRETARY.—

''(1) The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop a long-range strategic plan which establishes priorities for the national sea grant college program and which provides an appropriately balanced response to local, regional, and national needs.

''(2) Within 6 months of the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, the Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall establish guidelines related to the activities and responsibilities of sea grant colleges and sea grant institutes. Such guidelines shall include requirements for the conduct of merit review by the sea grant colleges and sea grant institutes of proposals for grants and contracts to be awarded under section 205, providing, at a minimum, for standardized documentation of such proposals and peer review of all research projects.

''(3) The Secretary shall by regulation prescribe the qualifications required for designation of sea grant colleges and sea grant institutes under section 207.

''(4) To carry out the provisions of this title, the Secretary may—

''(A) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with civil service laws;

''(B) make appointments with respect to temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code;

''(C) publish or arrange for the publication of, and otherwise disseminate, in cooperation with other offices and programs in the Administration and without regard to section 501 of title 44, United States Code, any information of research, educational, training or other value in fields related to ocean, coastal, or Great Lakes resources;

''(D) enter into contracts, cooperative agreements, and other transactions without regard to section 5 of title 41, United States Code;

''(E) notwithstanding section 1342 of title 31, United States Code, accept donations and voluntary and uncompensated services;

''(F) accept funds from other Federal departments and agencies, including agencies within the Administration, to pay for and add to grants made and contracts entered into by the Secretary; and

''(G) promulgate such rules and regulations as may be necessary and appropriate.

''(d) DIRECTOR OF THE NATIONAL SEA GRANT COLLEGE PROGRAM.—

''(1) The Secretary shall appoint, as the Director of the National Sea Grant College Program, a qualified individual who has appropriate administrative experience and knowledge or expertise in fields related to ocean, coastal, and Great Lakes resources. The Director shall be appointed and compensated, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, at a rate payable under section 5376 of title 5, United States Code.

''(2) Subject to the supervision of the Secretary, the Director shall administer the national sea grant college program and oversee the operation of the national sea grant office. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

''(A) facilitate and coordinate the development of a long-range strategic plan under subsection (c)(1);

''(B) advise the Secretary with respect to the expertise and capabilities which are available within or through the national sea grant college program and encourage the use of such expertise and capabilities, on a cooperative or other basis, by other offices and activities within the Administration, and other Federal departments and agencies;

''(C) advise the Secretary on the designation of sea grant colleges and sea grant institutes, and, if appropriate, on the termination or suspension of any such designation; and

''(D) encourage the establishment and growth of sea grant programs, and cooperation and coordination with other Federal activities in fields related to ocean, coastal, and Great Lakes resources.

''(3) With respect to sea grant colleges and sea grant institutes, the Director shall—

''(A) evaluate the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary;

''(B) subject to the availability of appropriations, allocate funding among sea grant colleges and sea grant institutes so as to—

''(i) promote healthy competition among sea grant colleges and institutes;

''(ii) encourage successful implementation of sea grant programs; and

''(iii) to the maximum extent consistent with other provisions of this Act, provide a stable base of funding for sea grant colleges and institutes; and

''(C) ensure compliance with the guidelines for merit review under subsection (c)(2).''.

SEC. 6. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.

Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

SEC. 7. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207 (33 U.S.C. 1126) is amended to read as follows:

''SEC. 207. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

''(a) DESIGNATION.—

''(1) A sea grant college or sea grant institute shall meet the following qualifications—

''(A) have an existing broad base of competence in fields related to ocean, coastal, and Great Lakes resources;

''(B) make a long-term commitment to the objective in section 202(b), as determined by the Secretary;

''(C) cooperate with other sea grant colleges and institutes and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

''(D) have received financial assistance under section 205 of this title (33 U.S.C. 1124);

''(E) be recognized for excellence in fields related to ocean, coastal, and Great Lakes resources (including marine resources management and science), as determined by the Secretary; and

''(F) meet such other qualifications as the Secretary, in consultation with the panel, considers necessary or appropriate.

''(2) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant college if the institution, association, or alliance—

''(A) meets the qualifications in paragraph (1); and

''(B) maintains a program of research, advisory services, training, and education in fields related to ocean, coastal, and Great Lakes resources.

''(3) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant institute if the institution, association, or alliance—

''(A) meets the qualifications in paragraph (1); and

''(B) maintains a program which includes, at a minimum, research and advisory services.

''(b) EXISTING DESIGNEES.—Any institution, or association or alliance of two or more such institutions, designated as a sea grant college or awarded institutional program status by the Director prior to the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, shall not have to reapply for designation as a sea grant college or sea grant institute, respectively, after the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, if the Director determines that the institution, or association or alliance of institutions, meets the qualifications in subsection (a).

''(c) SUSPENSION OR TERMINATION OF DESIGNATION.—The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).

''(d) DUTIES.—Subject to any regulations prescribed or guidelines established by the Secretary, it shall be the responsibility of each sea grant college and sea grant institute—

''(1) to develop and implement, in consultation with the Secretary and the panel, a program that is consistent with the guidelines and priorities established under section 204(c); and

''(2) to conduct a merit review of all proposals for grants and contracts to be awarded under section 205.''.

SEC. 8. SEA GRANT REVIEW PANEL.

(a) Section 209(a) (33 U.S.C. 1128(a)) is amended by striking the second sentence.

(b) Section 209(b) (33 U.S.C. 1128(b)) is amended—

(1) by striking ''The Panel'' and inserting ''(b) DUTIES.—The panel'';

(2) by striking ''and section 3 of the Sea Grant College Program Improvement Act of 1976'' in paragraph (1); and

(3) by striking ''regional consortia'' in paragraph (3) and inserting ''institutes''.

(c) Section 209(c) (33 U.S.C. 1128(c)) is amended—

(1) in paragraph (1) by striking ''college, sea grant regional consortium, or sea grant program'' and inserting ''college or sea grant institute''; and

(2) by striking paragraph (5)(A) and inserting the following:

''(A) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code, when actually engaged in the performance of duties for such panel; and''.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS, CONTRACTS, AND FELLOWSHIPS.—Section 212(a) (33 U.S.C. 1131(a)) is amended to read as follows:

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act—

''(A) $56,000,000 for fiscal year 1999;

''(B) $57,000,000 for fiscal year 2000;

''(C) $58,000,000 for fiscal year 2001;

''(D) $59,000,000 for fiscal year 2002; and

''(E) $60,000,000 for fiscal year 2003.

''(2) ZEBRA MUSSEL AND OYSTER RESEARCH.—In addition to the amount authorized for each fiscal year under paragraph (1)—

''(A) up to $2,800,000 may be made available as provided in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) for competitive grants for university research on the zebra mussel;

''(B) up to $3,000,000 may be made available for competitive grants for university research on oyster diseases and oyster-related human health risks; and

''(C) up to $3,000,000 may be made available for competitive grants for university research on Pfiesteria piscicida and other harmful algal blooms.''.

(b) LIMITATION ON CERTAIN FUNDING.—Section 212(b)(1) (33 U.S.C. 1131(b)(1)) is amended to read as follows:

''(b) PROGRAM ELEMENTS.—

''(1) LIMITATION.—No more than 5 percent of the lesser of—

''(A) the amount authorized to be appropriated; or

''(B) the amount appropriated,

for each fiscal year under subsection (a) may be used to fund the program element contained in section 204(b)(2).

''(c) NOTICE OF REPROGRAMMING.—If any funds authorized by this section are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science and Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(d) NOTICE OF REORGANIZATION.—The Secretary shall provide notice to the Committees on Science, Resources, and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 45 days before any major reorganization of any program, project, or activity of the National Sea Grant College Program.''.

SEC. 10. ADMINISTRATIVE LAW JUDGES.

Notwithstanding section 559 of title 5, United States Code, with respect to any marine resource conservation law or regulation administered by the Secretary of Commerce acting through the National Oceanic and Atmospheric Administration, all adjudicatory functions which are required by chapter 5 of title 5 of such Code to be performed by an Administrative Law Judge may be performed by the United States Coast Guard on a reimbursable basis. Should the United States Coast Guard require the detail of an Administrative Law Judge to perform any of these functions, it may request such temporary or occasional assistance from the Office of Personnel Management pursuant to section 3344 of title 5, United States Code.

Mr. COVERDELL. Mr. President, I move the Senate concur in the amendment of the House.

The motion was agreed to.

UNANIMOUS-CONSENT AGREEMENT—VETO MESSAGE TO ACCOMPANY H.R. 2631

Mr. COVERDELL. Mr. President, I ask unanimous consent that at 11:30 a.m. on Wednesday, February 25, the Senate proceed to the consideration of the veto message to accompany H.R. 2631, the Military Construction Appropriations bill. I further ask unanimous consent that there be one hour for debate on the message, equally divided between the chairman and the ranking Member, with an additional hour under the control of Senator MCCAIN. I further ask unanimous consent that following the expiration or yielding back of time, the Senate proceed to a vote on the veto message with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO FILE LEGISLATIVE AND EXECUTIVE REPORTED ITEMS ON THURSDAY, FEBRUARY 19

Mr. COVERDELL. Mr. President, I ask unanimous consent that on Thursday, February 19, committees have

from the hours of 10 a.m. to 3 p.m. in order to file legislative or executive reported items with the exception of governmental affairs regarding the special investigation.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENDING PROGRAMS UNDER THE ENERGY POLICY AND CONSERVATION ACT

Mr. COVERDELL. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 2472) to extend certain programs under the Energy Policy and Conservation Act.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2472) entitled ''An Act to extend certain programs under the Energy Policy and Conservation Act.'', with the following amendment:

In lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) in section 166 (42 U.S.C. 6246) by striking ''1997'' and inserting in lieu thereof ''1998'';

(2) in section 181 (42 U.S.C. 6251) by striking ''September 30, 1997'' both places it appears and inserting in lieu thereof ''September 1, 1998''; and

(3) in section 281 (42 U.S.C. 6285) by striking ''September 30, 1997'' both places it appears and inserting in lieu thereof ''September 1, 1998''.

AMENDMENT NO. 1645

(Purpose: To extend certain programs under the Energy Policy and Conservation Act, and for other purposes)

Mr. COVERDELL. Mr. President, I send an amendment to the desk on behalf of Senator MURKOWSKI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for Mr. MURKOWSKI, proposes an amendment numbered 1645.

Mr. COVERDELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

''SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

''The Energy Policy and Conservation Act is amended—

''(1) in section 166 (42 U.S.C. 6246) by striking '1997' and inserting in lieu thereof '1999';

''(2) in section 181 (42 U.S.C. 6251) by striking '1997' both places it appears and inserting in lieu thereof '1999';

''(3) by striking 'section 252(l)(1)' in section 251(e)(1) (42 U.S.C. 627(e)(1)) and inserting 'section 252(k)(1)';

''(4) in section 42 U.S.C. 6272)—

''(A) in subsection (a)(1) and (b), by striking 'allocation and information provisions of the international energy program' and inserting 'international emergency response provisions';

''(B) in subsection (d)(3), by striking 'known' and inserting after 'circumstances' 'known at the time of approval';

''(C) in subsection (e)(2) by striking 'shall' and inserting 'may';

''(D) in subsection (f)(2) by inserting 'voluntary agreement or' after 'approved';

''(E) by amending subsection (h) to read as follows—

'''(h) Section 708 of the Defense Production Act of 1950 shall not apply to any agreement or action undertaken for the purpose of developing or carrying out—

'''(1) the international energy program, or

'''(2) any allocation, price control, or similar program with respect to petroleum products under this Act.';

''(F) in subsection (k) by amending paragraph (2) to read as follows—

'''(2) The term 'international emergency response provisions' means—

'''(A) the provisions of the international energy program which relate to international allocation of petroleum products and to the information system provided in the program, and

'''(B) the emergency response measures adopted by the Governing Board of the International Energy Agency (including the July 11, 1984, decision by the Governing Board on 'Stocks and Supply Disruptions') for—

'''(i) the coordination drawdown of stocks of petroleum products held or controlled by governments; and

'''(ii) complementary actions taken by governments during an existing or impending international oil supply disruption.'; and

''(G) by amending subsection (l) to read as follows—

'''(l) The antitrust defense under subsection (f) shall not extend to the international allocation of petroleum products allocation is required by chapters III and IV of the international energy program during an international energy supply emergency.'; and

''(5) in section 281 (42 U.S.C. 6285) by striking '1997' both places it appears and inserting in lieu thereof '1999'.

''(6) at the end of section 154 by adding the following new subsection:

'''(f)(1) The drawdown and distribution of petroleum products from Strategic Petroleum Reserve is authorized only under section 161 of this Act, and drawdown and distribution of petroleum products for purposes other than those described in section 161 of this Act shall be prohibited.

'''(2) In the Secretary's annual budget submission, the Secretary shall request funds for acquisition, transportation, and injection of petroleum products for storage in the Reserve. If no request for funds is made, the Secretary shall provide a written explanation of the reason therefore.'.''

Mr. MURKOWSKI. Mr. President, this bill should have been the easiest thing we did this Congress. The Senate passed legislation on this issue by unanimous consent twice last year. This bill contains nothing less than our Nation's energy security insurance policy. This bill authorizes two vital energy security measures: the Strategic Petroleum Reserve and U.S. participation in the International Energy Agency.

Both of these authorities have expired. At this moment, sabers are rattling in the Gulf. Very soon, there may be more than sabers rattling. As I speak, more American troops are headed to the Middle East. We owe it to our soldiers, and the Nation's civilian consumers, to do everything we can to ensure that our energy insurance policy is in effect.

The House bill before us, H.R. 2472, would provide a simple extension of these authorities through September of this year. However, this is not enough to ensure our Nation's energy security. We must change the antitrust exemption in EPCA to comply with current IEA policy. The IEA changed its emergency response policy at our request, switching from command-and-control measures to more market-oriented coordinated stockdraw procedures. However, our laws haven't kept up.

Right now, our U.S. oil companies don't have any assurance that their attempts to cooperate with the IEA and our government in a crises won't be a violation of antitrust laws. The IEA's efforts to respond to a crisis will be critically impaired if it can't coordinate with U.S. oil companies. Our oil companies want to cooperate with our government and the IEA and strongly support this amendment.

We also need to amend H.R. 2472 to extend the authorization beyond September. For every year in recent memory, we have authorized this Act on a year-to-year basis. Every year, we face a potential crises when these authorities go unrenewed until the very end of the Congress. The provisions of this bill are not controversial. However, there are those who see any important bill as leverage.

This year, we are on the edge of a real crises. We have ongoing military action in the Gulf, and no clear authority to respond to oil supply shortages. Playing political games with this bill has always been irresponsible; now it is downright dangerous. In the future, the only way to avoid the annual crisis is to renew EPCA for more than one year. I am disappointed that we can't do that now. But for now, we must avert the immediate crisis.

I have tried to address concerns about the future of the SPR. Like many of you, I am dismayed by the recent use of the SPR as a ''piggy bank''. In 1995, DOE proposed the sale of oil to pay for repairs and upkeep, opening the floodgates to continued sales of oil for budget-balancing purposes. So far, we've lost the American taxpayer over half a billion dollars. Buying high and selling low never makes sense. We're like the man in the old joke who was buying high and selling low who claimed that ''he would make it up on volume.'' I am pleased that President's budget does not propose oil sales. I hope we have broken the habit of selling SPR oil forever.

We have already invested a great deal of taxpayer dollars in the SPR. We proved during the Persian Gulf War that the stabilizing effect of an SPR drawdown far outstrips the volume of oil sold. The simple fact that the SPR is available can have a calming influence on oil markets. The oil is there, waiting to dampen the effects of an energy emergency on our economy. However, if we don't ensure that there is

authority to use the oil when we need it, we will have thrown those tax dollars away. So, the first step is to ensure that our emergency oil reserves are fully authorized and available.

We are talking about people's lives and jobs. The least we can do is stop holding this measure hostage to political ambition. I urge my colleagues to support the adoption of this amendment and immediate passage of H.R. 2472. I also urge our colleagues in the other body to adopt this measure before we go home for recess during this dangerous and uncertain time.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1645) was agreed to.

Mr. BINGAMAN. Mr. President, before we engage in a significant military confrontation in the Persian Gulf, the Senate should thoroughly examine the reasons for, and the likely outcomes of, such action. Many of our colleagues have begun to do so in speeches on this floor over the past several days. I look forward to a continuation of this vigorous debate when the Majority Leader brings forward his resolution on this topic.

I believe that we must also take concrete action today, by amending and passing the bill that is now before us, to ensure that our nation and our economy are fully prepared to deal with any adverse effect that military action in the Gulf might have on the world's supply of oil from that region.

About 65 percent of the world's known oil reserves lie in the Persian Gulf region. That region supplies one-quarter of the oil that the world now consumes. Although Persian Gulf oil is responsible for a smaller fraction of U.S. oil consumption, world oil markets are highly interconnected. Any threat to the continued supply of Persian Gulf oil at current rates of production will quickly translate into volatile, higher prices here in the United States.

One can see this in the historical record. After the Iraqi invasion of Kuwait, world oil prices rose sharply, and American consumers paid accordingly. Between August 1, 1990 and December 1, 1990, U.S. consumers spent $21 billion more for crude oil and petroleum products than would have been spent absent that Middle East crisis. Events in Iraq continue to drive world oil markets. On November 13, 1997, the day that Saddam Hussein intensified the current crisis by ejecting U.S. inspectors from Iraq, the world price of oil rose by 20 cents per barrel. The last time we waged war on Saddam Hussein, our strategy included not only amassing multilateral military might in the Persian Gulf, but also minimizing the conflict's economic impact at home. We appear headed for another major military confrontation in the Gulf, but thanks to inaction by the other body, the second part of our 1991 strategy is currently not even an option.

President Bush had two tools at his disposal to reduce the economic effects of a military conflict in the Persian Gulf. The first was an economic alliance among the world's major oil-consuming countries, the independent International Energy Agency (or IEA). The United States formed the IEA after the Arab oil embargo of 1973, so that we would never again experience the market chaos, including gas station lines, that occurred back then. The initial IEA approach for dealing with oil supply disruptions was through mandatory allocations—having an international committee decide which nation would get how much oil.

The world has changed since then. 1970s-style command-and-control supply allocations won't work today. Instead, the United States has taken the lead in designing a flexible, market-friendly response to oil supply disruptions. The new approach relies on a coordinated drawdown of worldwide oil supplies. President Bush pioneered such a system during the 1991 Gulf War, although the oil companies that cooperated at that time placed themselves in legal jeopardy for having done so. The United States, with the full backing of our domestic oil industry, has refined this concept and convinced all of the other countries in the IEA to adopt it. But without passage of a law to facilitate the sharing of information about oil supplies in an emergency, the mechanism cannot be used.

If the world encounters oil market instability, the IEA will need to know about the location and movement of oil supplies in order to coordinate a response. Most of these oil supplies are privately held, so only oil companies have the needed information. Sharing such information is normally forbidden under U.S. antitrust laws, which apply to the world's major oil companies by virtue of their operation in this country. But in a genuine emergency, the national interest in the free flow of oil is far greater than the interest in keeping oil companies from sharing inventory information. Accordingly, there is already an emergency antitrust exemption in law that allows oil companies to share information with the IEA, but only to implement the outdated command-and-control response to an oil crisis, and only if the oil supply disruption is of mammoth proportions. Both the Bush and Clinton Administrations have sought to make this antitrust exemption apply to the types of oil crises we are actually likely to see, and to coordinated emergency responses other than mandatory worldwide oil supply allocations. This revised antitrust exemption would apply only when information sharing was expressly requested by the U.S. government. This is what we need to enact into law, now. Without these changes, the United States could find itself in the absurd position of being unable to use the international oil emergency response system that we ourselves designed.

The second tool that President Bush had at his disposal in 1991 was the nation's Strategic Petroleum Reserve (SPR)—586 million barrels of crude oil, stored in underground salt caverns at five sites along the coast of Texas and Louisiana. At the beginning of Operation Desert Storm, President Bush ordered the drawdown and sale of oil from the SPR. This had a powerful calming influence on world oil markets. Incredible as it may seem, such a use of the SPR by President Clinton would be illegal today. The United States still owns 563 million barrels of crude oil in underground salt caverns, but the President's authority to sell it in response to an emergency has lapsed.

How could we be so vulnerable to such clear and present dangers? I regret that once again, in the immortal words of Pogo, we have met the enemy, and he is us. The Administration has beseeched the Congress, for years now, to update the legal framework governing the IEA and to renew its authority to operate the SPR. The Senate has repeatedly and unanimously passed such legislation. The other body has refused to act, for reasons that are very difficult to understand.

With a major military confrontation in the Persian Gulf imminent, further delay is inexcuseable. We cannot allow our economy to be needlessly vulnerable to, say, a terrorist attack on Middle East oil infrastructure. I applaud the Chairman of the Senate Committee on Energy and Natural Resources for his persistence in trying to resolve this problem. I fully support his amendment to H.R. 2472, which provides the President with all the tools he needs to respond to an oil supply disruption. In the current situation, to do any less would be irresponsible. I hope that the other body now acts quickly on this matter. If the House has concerns, let us quickly convene a joint House-Senate conference to resolve them. If not, then let this bill become law.

The PRESIDING OFFICER, Mr. President, I move that the Senate insist on its amendment to the House, the Senate request a conference with the House, and finally, that any statements relating to the measure appear at this point in the RECORD.

The motion was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting two withdrawals and sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:15 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 927. An act to reauthorize the Sea Grant Program.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 202. Concurrent resolution expressing the sense of the Congress that the Federal Government should acknowledge the importance of at-home parents and should not discriminate against families who forgo a second income in order for a mother or father to be at home with their children.

The message further announced that pursuant to the provisions of section 210(c)(1) of Public Law 105–119, the Chair announces the Speaker's appointment of the following individuals on the part of the House to the Census Monitoring Board: Mr. J. Kenneth Blackwell of Ohio and Mr. David W. Murray of Virginia.

The message also announced that pursuant to the provisions of section 3162(b) of Public Law 104–201, the Chair announces the Speaker's appointment of the following members on the part of the House to the Commission on Maintaining United States Nuclear Weapons Expertise: Mr. Robert B. Barker of California and Mr. Roland F. Herbst of California.

The message further announced that pursuant to the provisions of section 955(b)(1)(B) of Public Law 105–83, the Chair announces the Speaker's appointment of the following Members of the House to the National Council on the Arts: Mr. DOOLITTLE of California and Mr. BALLENGER of North Carolina.

The message also announced that pursuant to the provisions of section 491 of the Higher Education Act, as amended by section 407 of Public Law 99–498, the Chair announces the Speaker's appointment of the following member of the part of the House to the Advisory Committee on Student Financial Assistance for a three-year term: Mr. Henry Givens of Missouri.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1248. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for vessel SUMMER BREEZE (Rept. No. 105–161).

S. 1272. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel ARCELLA (Rept. No. 105–162).

S. 1235. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel registered as State of Oregon official number OR 766 YE (Rept. No. 105–163).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. Res. 148. A resolution designating 1998 as the ''Onate Cuartocentenario'', the 400th anniversay commemoration of the first permanent Spanish settlement in New Mexico.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Richard L. Young, of Indiana, to be United States District Judge for the Southern District of Indiana.

Edward F. Shea, of Washington, to be United States District Judge for the Eastern District of Washington.

Jeremy D. Fogel, of California, to be United States District Judge for the Northern District of California.

Beverly Baldwin Martin, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

Hiram Arthur Contreras, of Texas, to be United States Marshal for the Southern District of Texas for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ALLARD:

S. 1635. A bill to amend the Internal Revenue Code of 1986 to reduce the maximum capital gains rates, to index capital assets for inflation, and to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Finance.

By Mr. WELLSTONE:

S. 1636. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Finance.

By Mr. TORRICELLI (for himself and Mr. KOHL):

S. 1637. A bill to expedite State review of criminal records of applicants for bail enforcement officer employment, and for other purposes; to the Committee on the Judiciary.

By Mr. CONRAD (for himself, Mr. DASCHLE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. REED, Mr. LEAHY, Mr. DODD, Mr. BINGAMAN, Mr. DURBIN, Mr. BAUCUS, Mr. DORGAN, Mr. ROCKEFELLER, Mr. KERREY, Mr. WYDEN, Mr. WELLSTONE, Mr. TORRICELLI, Mrs. BOXER, Mr. KERRY, Mr. BUMPERS, Mr. MOYNIHAN, Mr. JOHNSON, Mr. BREAUX, Mr. KOHL, Ms. LANDRIEU, Ms. MOSELEY-BRAUN, and Mr. LIEBERMAN):

S. 1638. A bill to help parents keep their children from starting to use tobacco products, to expose the tobacco industry's past misconduct and to stop the tobacco industry from targeting children, to eliminate or greatly reduce the illegal use of tobacco products by children, to improve the public health by reducing the overall use of tobacco, and for other purposes; to the Committee on Finance.

By Mr. COVERDELL:

S. 1639. A bill to amend the Emergency Planning and Community Right-To-Know Act of 1986 to cover Federal facilities; to the Committee on Environment and Public Works.

By Mr. WELLSTONE (for himself and Mr. GRAMS):

S. 1640. A bill to designate the building of the United States Postal Service located at East Kellogg Boulevard in Saint Paul, Minnesota, as the ''Eugene J. McCarthy Post Office Building''; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1641. A bill to direct the Secretary of the Interior to study alternatives for establishing a national historic trail to commemorate and interpret the history of women's rights in the United States; to the Committee on Energy and Natural Resources.

By Mr. GLENN (for himself, Mr. THOMPSON, Mr. LEVIN, Mr. LIEBERMAN, and Mr. AKAKA):

S. 1642. A bill to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public; to the Committee on Governmental Affairs.

By Mr. KENNEDY (for himself, Mr. JEFFORDS, Mr. KERRY, and Mr. LEAHY):

S. 1643. A bill to amend title XVIII of the Social Security Act to delay for one year implementation of the per beneficiary limits under the interim payment system to home health agencies and to provide for a later base year for the purposes of calculating new payment rates under the system; to the Committee on Finance.

By Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, Ms. MIKULSKI, Mr. CONRAD, Mr. AKAKA, Mr. LEVIN, Mr. KERRY, Mr. JOHNSON, Mr. TORRICELLI, Mr. KERREY, and Mr. HOLLINGS):

S. 1644. A bill to amend subpart 4 of part A of title IV of the Higher Education Act of 1965 regarding Grants to States for State Student Incentives; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM (for himself, Mr. LOTT, Mr. DEWINE, Mr. INHOFE, Mr. NICKLES, Mr. COVERDELL, Mr. HELMS, Mr. COATS, Mr. SESSIONS, Mr. ENZI, Mr. CRAIG, Mr. KYL, Mr. HATCH, Mr. FAIRCLOTH, Mr. BROWNBACK, Mr. SANTORUM, Mr. MCCONNELL, Mr. HUTCHINSON, Mr. BOND, and Mr. GRASSLEY):

S. 1645. A bill to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. TORRICELLI, and Mr. BUMPERS):

S. 1646. A bill to repeal a provision of law preventing donation by the Secretary of the Navy of the two remaining Iowa-class battleships listed on the Naval Vessel Register and related requirements; to the Committee on Armed Services.

By Mr. BAUCUS (for himself, Ms. SNOWE, Mr. LIEBERMAN, Mr. KEMPTHORNE, Mr. DASCHLE, Mr. DODD, Mr. DURBIN, Mr. LAUTENBERG, Ms. COLLINS, Mr. JOHNSON, and Mr. KENNEDY) (by request):

S. 1647. A bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself, Ms. COLLINS, and Mr. ENZI):

S. 1648. A bill to amend the Public Health Service Act and the Food, Drug and Cosmetic Act to provide for reductions in youth smoking, for advancements in tobacco-related research, and the development of safer tobacco products, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FORD:

S. 1649. A bill to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 1650. A bill to suspend temporarily the duty on synthetic quartz substrates; to the Committee on Finance.

S. 1651. A bill to suspend temporarily the duty on 2,4-bis((octylthio)methyl)-o-cresol; to the Committee on Finance.

S. 1652. A bill to suspend temporarily the duty on 2,4-bis((octylthio)methyl)-o-cresol; epoxidized triglyceride; to the Committee on Finance.

S. 1653. A bill to suspend temporarily the duty on 4-((4,6-bis(octylthio)-1,3,4-triazine-2-yl)amino)-2,6-bis(1,1-dimethylethyl)phenol; to the Committee on Finance.

S. 1654. A bill to suspend temporarily the duty on 1-Hydroxy cyclohexyl phenyl ketone; to the Committee on Finance.

S. 1655. A bill to suspend temporarily the duty on 2-hydroxy-2-methyl-1-phenyl-1-propane; to the Committee on Finance.

S. 1656. A bill to suspend temporarily the duty on bis(2,4,6-trimethyl benzoyl) phenyl phosphine oxide; to the Committee on Finance.

S. 1657. A bill to suspend temporarily the duty on bis(2,6-dimethoxy-benzoyl)-2,4-trimethyl pentyl phosphinenoxide and 2-hydroxy-2-methyl-1-phenyl-1-propanone; to the Committee on Finance.

S. 1658. A bill to suspend temporarily the duty on (2-Benzothiazolylthio)-butane-dioic acid; to the Committee on Finance.

S. 1659. A bill to suspend temporarily the duty on calcium bis{monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate}; to the Committee on Finance.

S. 1660. A bill to suspend temporarily the duty on 2-(dimethylamino)-1- {4-(4-morpholinyl)}-2-(phenylmethyl)-1-butanone; to the Committee on Finance.

S. 1661. A bill to suspend temporarily the duty on N-Ethylmorpholine, cmpd. with 3-(4-methylbenzoyl) propanoic acid (1:2); to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1662. A bill to authorize the Navajo Indian irrigation project to use power allocated to it from the Colorado River storage project for on-farm uses; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself, Mr. DODD, Mr. COCHRAN, Ms. MIKULSKI, Mr. BENNETT, Mr. LIEBERMAN, Mr. KEMPTHORNE, Mr. DORGAN, Mr. FRIST, and Mr. CLELAND):

S. Res. 176. A resolution proclaiming the week of October 18 through October 24, 1998, as ''National Character Counts Week''; to the Committee on the Judiciary.

By Mr. COVERDELL (for himself, Mr. CLELAND, Mr. SMITH of New Hampshire, Mr. LOTT, Mr. HAGEL, and Ms. MOSELEY-BRAUN):

S. Res. 177. A resolution recognizing, and calling on all Americans to recognize, the courage and sacrifice of the members of the Armed Forces held as prisoners of war during the Vietnam conflict and stating that the American people will not forget that more that 2,000 members of the Armed Forces remain unaccounted for from the Vietnam conflict and will continue to press for the fullest possible accounting for all such members whose whereabouts are unknown; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 178. A resolution to authorize production of Senate documents and representation by Senate Legal Counsel in United States f.u.b.o. Kimberly Industries, Inc., et al. v. Trafalgar House Construction, Inc., et al.; considered and agreed to.

By Mr. MURKOWSKI:

S. Con. Res. 76. A concurrent resolution enforcing the embargo on the export of oil from Iraq; to the Committee on Foreign Relations.

By Mr. SESSIONS:

S. Con. Res. 77. A concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLARD:

S. 1635. A bill to amend the Internal Revenue Code of 1986 to reduce the maximum capital gains rates, to index capital assets for inflation, and to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Finance.

CAPITAL GAINS AND ESTATE TAX REFORM LEGISLATION

Mr. ALLARD. Mr. President, I spent the month of January attending town meetings throughout the State of Colorado. That is one of the things, when I go back to my State, that I spend a lot of time doing—visiting the counties and visiting with the people of Colorado. Over the years, we continue to have the issue of taxes brought up in the town meetings—probably more so now than at any time that I can recall since having town meetings.

The American people simply want to have their tax system reformed, particularly those in Colorado. They want lower taxes, they want a simpler tax system, and they want less intrusive means of collecting those taxes.

Last year, Congress enacted modest tax relief, but it was only a first step. It's time to move forward with more aggressive tax reform.

Today, I am introducing legislation that will do four things:

It will continue to reduce the capital gains tax to a top rate of 14 percent.

It will restore the one-year holding period for capital gains treatment.

It will index capital gains and, thereby, eliminate the taxation of gains that are due solely to inflation.

And then, finally, it will eliminate the estate tax.

These changes will provide important tax relief for families and businesses, and continue to ensure that our economy remains the most competitive in the world.

Mr. President, the new year has certainly brought good news concerning the Federal budget. But let's be honest. The budget is balancing because of the hard work of the American people, not because of any bold action by the Federal Government. Economic performance in recent years has exceeded all expectations. The result is that the American people have been sending greater and greater amounts of their earnings to Washington. The budget is balancing because of an explosion in tax receipts, not because of any restraint in spending. In fact, the budget continues to grow at a healthy pace. Federal spending in 1998 is estimated to be 4.3 percent above the 1997 level—well in excess of inflation. Many would like this to continue.

The President assured us in a previous State of the Union Address that, ''the era of big Government is over.'' But it is clear that he is now proposing a new era of big Government.

I favor a different course. We should not squander the people's surplus on more Government. Instead, we should begin to pay down the debt and reform the tax system. We should put American families ahead of the insatiable appetite of Washington, DC, for more Government spending.

Despite last year's budget bill, taxes remain higher than they have ever been. Tax freedom day—the day to which the average American works to pay the combined Federal, State, and local tax burden—is May 9, which is the latest it has ever been. A reduction in the Federal debt and a reasonable level of taxation should be the twin objectives of Congress as we enter the next century. Our job is to ensure that the bridge to the 21st century does not become a toll bridge.

Mr. President, let me begin with a discussion of capital gains taxes. I call the capital gains tax the ''growth tax.'' Nearly all Americans own capital, and they experience a tax on that capital when they sell the stocks, or a small business, or a farm.

Mr. President, let's look at how this capital gains, or growth tax, hits ordinary working Americans. Stock ownership has doubled in the last 7 years, to the point where 43 percent of all adult Americans own stock. Obviously, with those numbers, stock ownership is not just confined to the wealthy; it is spread throughout society. Today, half of the investors are women, and half are noncollege graduates. Stocks are typically held for retirement, education expenses, and other long-term goals. This is precisely the type of saving and investing that we need in our economy.

Mr. President, I can't leave this topic without talking about small business owners and farmers. There is no clearer area where the ''growth tax'' makes no

sense. Millions of American families put their lives into building small businesses and farms. Often, those businesses or farms are sold to finance a decent retirement. But this can only occur after Uncle Sam gets his cut of one-third or more of all the gains.

Simply put, low taxation makes it less costly to take the risks that are critical in a capitalist economy. I am proposing that we enact a maximum capital gains tax of 14 percent, with those in the lowest tax bracket paying only 7 percent. Last year's reduction of the capital gains rate was a big plus, but it came with a price—the holding period required to qualify for the lower tax was extended from 12 months to 18 months.

The holding period change is a poor attempt by the Government to micromanage the economy. This is the type of Government management that has so clearly failed in Asia. A market economy functions best when capital flows freely, unencumbered by Government distortions. The holding period for long-term capital gains treatment has been 12 months for years, and it should stay that way.

Mr. President, an additional mistake that Congress made in last year's bill was a failure to include indexing. The real ''growth tax'' is often much higher than 20 percent. This is because our Tax Code does not protect Americans from taxation on capital gains that result from inflation. This is one of the most unfair aspects of the growth tax. Government policies contribute to inflation, and Government turns around and taxes its citizens on that inflation.

For this reason, I fought hard to see that indexing was included last year. I offered an amendment to the tax bill that would have added indexing. The amendment was carefully structured to avoid any revenue loss. Obviously, I was disappointed with the defeat of this amendment. I presume that this was due largely to the President's opposition to indexing and his veto threat. Despite this, we got a strong vote, and I promised that I would be back.

I have included indexing in this bill, and I fully intend to offer this at each opportunity. Some have dismissed indexing as ''too costly,'' but for me this is an issue of fundamental fairness. It is wrong for the Federal Government to tax citizens on inflation.

Since I mentioned the issue of cost, let me make a few points on this. I have long maintained that a capital gains tax cut will increase revenue. In the short run, it encourages the sale of assets that would not otherwise occur. This obviously increases revenue.

In the long run, a rate cut facilitates a higher level of economic growth. This also results in greater tax revenue.

Unfortunately, during last year's tax debate, we continued to operate under revenue models that forecast a loss to the government from the capital gains rate cut.

I hope we can soon put this notion to rest for good.

It is already apparent that capital gains revenues will be coming into the Treasury at a considerably higher level than forecast last year when we were talking about capital gains. 1998 capital gains revenues could be as much as 50% higher than previously forecast.

Even state governments will benefit from the rate cut. Earlier this month, analysts for the Colorado Legislature forecast that the capital gains tax changes would result in an additional $38 million this year for the Colorado state budget.

Obviously, the impact at the federal level will be many times greater.

ESTATE TAX ELIMINATION

The final provision in this tax bill is the elimination of the estate tax.

Frankly, the estate tax makes no sense.

While the tax raises only 1 percent of federal revenues, it destroys family businesses and farms.

The estate tax is double taxation.

At the time of a person's death, much of their farm, business, and life savings has already been subjected to federal, state, and local tax. These same assets are taxed again under the estate tax.

The estate tax fails to distinguish between cash and non-liquid assets.

Family businesses are often asset-rich, and cash poor. But the value of all assets must be included in the taxable estate.

This can force liquidations, and family businesses can see their livelihood eliminated in order to pay a tax of up to 55 percent. Yes. That is right—up to 55 percent.

This practice threatens the stability of our families and communities while inhibiting growth and economic development.

The National Center for Policy Analysis reports that a 1995 survey by Travis Research Associates found that 51 percent of family businesses would have difficulty surviving the estate tax, 14 percent of business owners said it would be impossible to survive, 30 percent said they would have to sell part or all of their business.

This is supported by a 1995 Family Business Survey conducted by Matthew Greenwald and Associates which found that 33% of family businesses anticipate having to liquidate or sell part of their business to pay the estate tax.

Recently, the accounting firm Price Waterhouse calculated the taxable components of 1995 estates. While 21% of assets were corporate stock and bonds, and another 21% were mutual fund assets, fully 32% of gross estates consisted of ''business assets'' such as stock in closely held businesses, interests in non-corporate businesses and farms, and interests in limited partnerships. In larger estates this portion rose to 55%.

Clearly, a substantial portion of taxable estates consists of family businesses.

The recent tax bill increased the estate tax exemption from $600,000 to $1 million. However, this is done very gradually and does not reach the $1 million level until 2006. The bill also increased the exemption amount for a qualified family owned business to $1.3 million. While both actions are a good first step, they barely compensate for the effects of inflation. The $600,000 exemption level was last set in 1987, just to keep pace with inflation the exemption should have risen to $850,000 by 1997.

Incremental improvements help, but we need more substantial reform. It is time to eliminate this tax entirely. This action has been taken in countries such as Australia and Canada. Unfortunately, the United States retains what are arguably the highest estate taxes in the world.

Among industrial nations, only Japan has a higher rate than the U.S. But Japan's 70% top rate applies only to inheritance of $16 million or more. The U.S. top rate of 55% kicks in on estates of $3 million or more. France, the United Kingdom, and Ireland all have top rates of 40%, and the average top rate of OECD countries is only 29%.

Repeal of the estate tax would benefit the economy. George Mason University Professor Richard Wagner estimates that within seven years of elimination of the estate tax the output of the country would be increased by $79 billion per year, resulting in up to 228,000 new jobs. Under the current system, the energy that could go into greater productivity is expended by selling off businesses, dividing resources and preparing for the absorption of an estate by the government. Those businesses that survive the estate tax often do so by purchasing expensive insurance. A 1995 Gallup survey of family firms found that 23% of the owners of companies valued at over $10 million pay $50,000 or more per year in insurance premiums on policies designed to help them pay the eventual tax bill.

The same survey found that family firms estimated they had spent on average over $33,000 on lawyers, accountants and financial planners in order to prepare for the estate tax.

Ironically, the estate tax is often justified on the grounds that it helps to equalize wealth. But this effect is greatly exaggerated. A 1995 study published by the Rand Corporation found that for the very wealthiest Americans, only 7.5% of their wealth is attributable to inheritance—the other 92.5% is from earnings.

Mr. President, it is time to repeal this outdated tax. We must insist that no more American families lose their business because of the estate tax. We must ensure that when a family is coping with all the inevitable costs of passing a business from one generation to the next, the Federal Government is not there as an added burden.

Mr. President, it is my hope that by introducing this tax legislation and placing these proposals on the table we can begin to debate significant tax relief for 1998.

Each of these changes: a lower capital gains rate, indexing, and repeal of the estate tax, are consistent with long-term tax reform. And each of them can be enacted this year.

By Mr. WELLSTONE:

S. 1636. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Finance.

THE DOMESTIC PARTNERSHIP BENEFITS AND OBLIGATIONS ACT OF 1998

Mr. WELLSTONE. Mr. President, last October, Congressman BARNEY FRANK broke new ground when he introduced HR2761, the Domestic Partnership Benefits and Obligations Act of 1997. I am here today to break ground in the Senate by introducing the Domestic Partnership Benefits and Obligations Act of 1998. This bill does not introduce new benefits; it simply extends existing benefits to a previously uncovered group of employees for very little cost.

Mr. President, let me take a moment to outline my bill. This bill provides benefits for same-sex domestic partners of civilian, federal employees. Partners must be living together, in a committed, intimate relationship, and responsible for each other's welfare and financial obligations. It provides access to five categories of benefits in the same way that married spouses have access: participation in retirement programs, life insurance, health insurance, compensation for work injuries, and upon the death of a government employee, the domestic partner would be deemed a spouse for the purpose of receiving benefits.

This is a bill about justice, about fairness, about equity in the workplace. This bill is about saying to our gay and lesbian employees, ''We value your contribution to the workplace, and to show you we value you, we're going to protect your families, like we protect the families of married employees, by providing them with benefits.'' It is about providing the opportunity for same-sex domestic partners to provide their partners—who previously have been denied—access to such benefits as health insurance.

For many people in this country, insurance benefits for their loved ones are automatic, they are expected, they are the norm. But benefits didn't start out that way. In fact, they are a relatively modern invention. Benefits in the form of compensation were created in the 1940's, essentially to increase compensation for some employees who were prohibited by law from getting pay increases. So instead of more pay, employers paid for certain products and services such as health insurance to take care of their employees and to make their businesses more attractive to potential employees. For gay men and lesbians, most of these benefits are completely inaccessible.

But where is it written in stone that only married spouses and their children deserve benefits? Yes, many employers have chosen to limit benefits to married spouses and their children, but more and more, governments, universities, and private businesses have been making a different choice. Business and organizations like the San Francisco 49ers, Reader's Digest, Starbucks, Coors, Ben and Jerry's, Kodak, Disney, the Union Theological Seminary, the Episcopal Diocese of Newark, the International Brotherhood of Electrical Workers #18, Mattel, the Vermont Girl Scout Council, and more than 50 Fortune 500 companies have made the right choice to offer domestic partnership benefits. A more fair and equitable choice. A more humane choice.

I am disappointed that domestic partnership benefits have already been offered in some cities and by some businesses since 1982 but here we are in 1998 and we're just now talking about them here in the Senate. Today there are at least 42 cities and municipalities, 12 counties, 1 state, and 342 private sector for-profit and not-for profit businesses and unions which offer domestic partner benefits. The good news, though, is that we have more than 15 years worth of employers' experiences with providing these benefits.

By virtue of our vote on DOMA, we have said that same-sex couples cannot marry. But that doesn't mean that people in long-term, loving, and committed relationships don't deserve to have the opportunity to provide their loved ones with health insurance, survivor benefits, and other benefits. Domestic partnership legislation levels the playing field for same-sex partners who are not allowed to marry. This bill is aimed at correcting that inequity. Here is the story of how not having domestic partnership benefits effected one couple's lives:

Anonymous: My partner and I have been together for almost six. About a year ago, he had to leave work due to a serious heart condition. Since my employer doesn't include domestic partnership benefits, we had to pay all of his expenses out of pocket. For quite some time I had to support him from my salary, or else he would have ended up on welfare. We are still scrimping and saving to try and pay off the health care expenses that should have been covered by my insurance (if we had dp benefits). Almost all of my heterosexual friends have been ''married'' less time than my partner and I and received benefits immediately after the marriage. Their relationships seem no more permanent than my own. When my partner and I have been together for fifty years, we will still not have insurance for him through my employer.

Not only are domestic partnership benefits fair and just, they cost very little. Employers have found that upon implementing domestic partnership benefits, one percent of all employees—at most—actually sign up their same-sex partners for benefits. And more often, it is less than one percent. Even taking the most liberal figures, there is no legitimate reason to argue that more than 1% of our almost 300,000 federal civilian employees will enroll. And even though this is a relatively small number of employees—at most 30,000—let me tell you, these benefits are of critical importance to those who do.

For example, Marieta Louise Luna is a graduate student studying in the Divinity School at Duke University. She says,

I just returned home from the hospital on Thursday night from having a knee replacement made possible largely because of the fact that Kathryn is a Duke employee and I have domestic partner benefits.

Guaranteed, I could not have had the surgery if I had not had domestic partner benefits. For me, it was the literal difference between walking and being handicapped for the next several years.

And at a cost of less than 1% of the total benefits budget—or less—it is truly worth making this investment.

Some might be afraid that domestic partnership policies could open the door to fraud with people signing up their friends in order to get health insurance.

Most employers never ask for verification of a heterosexual marriage. I have never been asked to provide a marriage certificate to prove I'm married, and I doubt that many of you have either.

But my bill has stringent requirements for qualifying as domestic partners. Among other requirements, partners must sign an affidavit certifying that they share responsibility for a significant measure of each other's common welfare and financial obligations. And they must show documentation to prove it—such as copies of a mortgage or lease with both names on it, copies of bank statements showing joint checking or savings accounts, copies of durable powers of attorney for property and health, or copies of wills specifying each other as the major recipients of each other's financial assets.

In addition, my bill specifies serious consequences for fraud, including the possibility of disciplinary action, termination of employment, and repayment of any insurance benefits received.

Finally, there are criminal statutes that provide that making false statements and defrauding the government are crimes which can result in a fine and/or imprisonment up to 5 years.

The bottom line is that this bill creates serious consequences for fraud, establishes that every effort will be made to minimize fraud by those falsely claiming to be domestic and specifies that those caught will be seriously punished.

Let me tell you one more story:

Anonymous from Minnesota: I have had the same health care benefits package for nearly 16 years. I began family coverage when I married in 1978. Our two children were added when they were born. My ex-husband remained on my insurance policy after we divorced—at no additional cost—even though we were not legally married.

I am now in a committed lesbian relationship. My partner had been teaching part-time in a private school for two years before she became eligible for health insurance through her employer. Two weeks before her insurance was to take effect she was stricken with severe abdominal pain. Though we considered ''toughing it out'' until her insurance kicked in, it became increasingly clear that

she needed to be treated immediately. She had a large, twisted ovarian tumor removed. By the time of the surgery, her insurance was in place. We breathed a sigh of relief.

Months later we learned that because her pain started (and was briefly treated) before her insurance began, the claim for coverage for the surgery and hospital stay were disallowed because there was a pre-existing condition exclusion in her insurance policy. We are now faced with over $5,500 (plus 12% interest per year) in medical bills. This may not seem like a lot of money to some people, but it certainly is to us. And it's money that wouldn't have had to be spent at all if she had been on my family coverage all along.

So why is it that my ex-husband (no legal relation) was entitled to continue receiving benefits until he married, but my life partner has had to go without medical insurance? The answer is simple—discrimination.

This is a bill about fairness. This is about equity in the workplace. This is about protecting employees' loved ones. It's the right thing to do.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDITIONAL STORIES REGARDING DOMESTIC PARTNERSHIP BENEFITS

Wendy I. Horowitz: My partner was ill for almost a year. I worked for a large conservative company that never considered implementing domestic partner benefits. After seeing one of my co-workers get married and have instant coverage for her husband (after they had been married for a day), I decided to apply for benefits for my partner. They were denied. Her illnesses were related to her tonsils, and the doctors suggested that she have them removed. I had to come up with the money to pay for this surgery (over $4,000 by the end of it all), which put a great financial burden on us and on our relationship.

Jim and Hal: As an employee of the State of Maryland (through my graduate assistantship), I receive comprehensive health benefits. Although I could share my benefits with a married spouse, I am not able to do a thing for my partner Hal. Hal is another ''starving student''; he is in a doctoral program at American University. Unfortunately, American does not offer full health coverage to its graduate assistants, so Hal is having to make do with emergency health coverage. This has adversely affected us in two ways. First, we have to cover Hals' regular health maintenance (e.g., dental checkups) which is a strain on our already stretched budget. Second and more importantly, Hal has a heart problem for which regular appointments with a cardiologist are recommended. We are not in a position to pay specialist fees out-of-pocket; thus, we are unhappily have to settle for doctors at American University's health center.

U Minnesota: R and S are their late 30's, and they have been in a committed relationship for 20 years. S is self-employed as a psychotherapist and is registered with the University as R's domestic partner.

Four years ago, R gave birth to the couple's first child L. R was able to put L on her health insurance policy as a dependent. The couple incurred no additional cost or additional deductibles for L's birth or subsequent medical treatment.

Three years later, S gave birth to the couple's second child M. Because the University only recognizes formal adoption (not guardianship) for direct dependent coverage, M is only listed as S's child and not R's child. Since the University's domestic partnership plan only provides medical premium reimbursement for partners and their dependents, R and S incurred significantly higher costs for M's birth than for L's birth.

Specifically, the couple pays out $526 every 3 months for S and M's insurance policies which each have a $500 deductible (the University plan has no deductible and low copays for dependent care). Reimbursement from the University for this cost takes additional 3 months after the couple pays. Due to IRS regulations, which do not recognize the partners as a couple, the University's reimbursement to the employee is taxed. The end result of all the complications of this system for the couple is that they have $1,500 in outstanding debt for unreimbursed health premiums. In addition, they were charged $1,000 in deductibles plus higher copays for M's birth. They have had to take out a loan to cover these health care related expenses.

Becky Liddle: I am a tenured associate professor. My domestic partner quit her job and moved here to Alabama in June of '97, as the ''trailing spouse'' in a dual career couple. We thought she would find work very quickly. But due in part to sexual orientation discrimination in hiring, she has been unable to find professional work and health benefits. She is working full-time for Kelly Services, which does not include health benefits. We brought her a 4-month hospitalization policy before she quit her job, assuming that would be more than enough time—it wasn't. She has no health insurance. We have looked at policies she could buy herself, but they are extremely expensive, and cover very little. My university will not allow me to put my domestic partner on our insurance (in fact, Blue Cross of Alabama explicitly states in its policy that ''spouse'' is limited to someone of the opposite sex). Consequently, every time she gets sick it is a crisis, and we make potentially life-threatening choices about whether she should go to the doctor. For example, she got pneumonia a few weeks ago. This is, she had all the symptoms of pneumonia, according to our Time/Life ''medical advisor—complete guide to alternative & conventional treatments'' book, which has become her primary care ''physician''. The book said if it was viral she should just go to bed, but if it was bacterial it could be life threatening. It appeared from her symptoms to be viral, so we did not spend the money to go to a doctor. This time we were right. She recovered fine in about a week. Of course, if we'd been wrong, she could be dead. I think we make good decisions about how to spend our limited health-care dollars. But I ought to be able to put her on my insurance.

Eva Young: I live with my partner of 10 years in Minneapolis. I have benefits through my work place. Even though the University of Minnesota offers ''domestic partnership'' benefits, these don't work for us. To be able to get pretax benefits (analogous to what a married couple get), we would have to declare my partner a dependant. This is degrading to my partner. Although I currently have a better job than she does (it pays better and is permanent), it doesn't mean we should have to declare her a dependant (with all the negative connotations that has) in order to get the benefits we are both entitled to. To add insult to injury, I am taxed at the single rate, even though I am primary breadwinner for a family of 4. I consider this an equal pay for equal work issue. Why should I get paid less than my married coworker, just because I am not legally married?

Not having the same benefits that a heterosexual married couple keeps my family in poverty. My family would not be in poverty if we had the same rights as married couples do. It's that simple. This isn't something that is just for the gay couple—it also will affect a lot of children. Actually, domestic partnership will do little for the dual career gay couple, where both individual are in good jobs—it's going to make a difference for gay couples who have families, or have one partner who is uninsured. Allowing gay couples to insure their partner and partner's children through their workplace insurance could also help some individuals get off government assistance.

Kirk A. Nass: My domestic partner and I have been together nearly 14 years. My partner, Michael E. Gillespie, was an attorney in Seattle when we met, now he is self-employed and runs a business in Oakland which provides physicians as expert witnesses to lawyers and insurance companies for plaintiff work. Michael's past employers never provided good medical coverage, if they provided it at all. In 1989 I finished graduate school and started a job with Chevron. Michael quit his job to move with me to the San Francisco Bay Area. Chevron provides excellent health coverage to its employees, but I was unable to cover him because domestic partners were not eligible for coverage at the time. The prospect of him having a major medical event and us not being able to pay for it bothered me for years.

After starting his own business five years ago, he joined an HMO (Kaiser Permanente, No. Calif.) under an individual plan. In 1995 he was diagnosed with Type II diabetes; in 1996 he suffered a heart attack and underwent an angioplasty to open the blocked artery. Because of his HMO coverage, all of his diabetes care, his stay in intensive care, and the angioplasty were covered. He's now in excellent health. If his business failed—even if he still worked for some of his past employers—we would not have had the financial resources to pay for his cardiac care.

On Jan. 1, 1998, Chevron began extending medical and dental coverage (and some other benefits) to the same and opposite sex domestic partners of employees and the partners' eligible children. The coverage Chevron provides for Michael through Kaiser is even better than what he was paying for himself at Kaiser. It's the first time since we've been together he's had full coverage and the first time I haven't had to worry.

Having domestic partners benefits such as medical coverage is important to us because it makes me sure that the most important person in my life can be taken care of when he needs to be. The experiences we've gone through together, although they've led to successful conclusions, have shown too often that ''what-if'' scenarios can be all too real.

Dan Ross: My partner of 5 years has cerebral palsy (a congenital condition; in his case, it creates overly-tight muscle tone). After orthopedic surgery to correct some aspects of his gait, he had to make significant changes to his walk, and work on daily stretches, most of which require assistance. He is (and was) able to walk on his own, although now does so with a cane. He travels quite a bit for his job and works long hours, so it is difficult for us to work on this on a regular schedule. He can't take a leave of absence form his job, or even temporarily resign, to work on physical therapy full-time, because he absolutely needs his health insurance and he is afraid of jeopardizing that. (Some insurance plans even make cerebral palsy a ''pre-existing condition''.) My health insurance won't cover him, of course, and until recently, I wouldn't have been able to take sick leave to stay with him in the hospital and at home. He was bedridden for a total of two weeks after the surgery. As it was, I hurried back and forth between work and home, because I had just begun a new job, and didn't want to make a bad impression there; but he had scheduled the surgery for around Christmas, so there were many

people off on vacation time during that period. The issue of domestic partnership benefits—whether equity in providing health insurance, or even just uniform treatment in granting sick/caregiving and bereavement leave—is important to us as a result.

Pam Herman-Milmoe: I am a federal employee and Sara has just finished her Masters Degree in Clinical Psychology. While she was in school she had access to limited benefits, but now that she is job hunting she is completely uninsured. She is working in a paid internship position that is providing great experience and a real service to the community, but no benefits. As she moves on in her career she would like to establish her own practice, but if she does she'll have to pay for her own benefits without any support. The practice of denying benefits to domestic partners puts us at a severe economic disadvantage compared with my coworkers. They can use the money their spouses save on benefits for investments and other purposes. Sara and I plan on having children, who will be covered by my benefits, but money that would support their education and upbringing will have to go to pay for benefits for Sara.

Steve Crutchfield: A year ago, my partner of 22 years was fired from his job. When he lost his job, he lost his health insurance benefits. He was able to maintain benefit through a COBRA plan, but it cost us an additional $150 per month to maintain his health benefits. Now that his COBRA benefits are expiring, he has to buy individual medical insurance at a cost of over $300 month.

If we had a domestic partner benefits law in place, I could have put him under my insurance benefits as the spouse of a Federal Government Worker. However, since our relationship is not recognized as a marriage, I am unable to enjoy the medical insurance benefits accorded to my colleagues who are in traditional marriages.

David Perkins: My partner of fifteen years came with me to Champaign-Urbana, Illinois in order that I might take a job. We have been here over three years and he has not been able to find anything other than part-time work that offers no benefits. Because the state or the University does not extend benefits to same-sex partners, he is without any health benefits whatsoever—and as he will soon turn forty-five years old, health insurance is too expensive for us to pay out-of-pocket. If anything, should happen to him—it will either completely wipe me out financially, or he will be thrown on the mercy of the taxpayers as an indigent case. Not a dramatic story, true—but a fear we live with daily.

Anonymous: My partner and I have 3 children ages 15, 13 and 3. I gave birth to the first 2 before getting together with her. The youngest one we had together. Shortly after the arrival of our youngest, the opportunity arrived that I could stay home and care for her instead of putting her in day care. But in quitting my job I also had to give up my health care benefits. My partner's company does not offer domestic benefits so I am not covered for my asthma medication that I need to breath. I also am a high risk for breast cancer due to family history (mother, grandmother and 3 sisters) but I agreed to stay home for the benefit of all our children.

Anon: My (same-sex) partner moved in with me in Pennsylvania two years ago. She had been self-employed (a clinical psychologist with a private practice) in CO. We are/have been in a long-term committed relationship for three years. She had been paying her own health insurance, but since she gave up her income to move here, she had no way of continuing to pay it. My employer (a college) has a subsidized health insurance benefit for married couples only; if we had been married, the additional coverage would have cost $60. Instead, I had to pay $175 monthly so that she would have less adequate health insurance than I have. Since she needed surgery within months of moving here, with a long recovery period, she also could not earn money to help with expenses. We had to spend money on a lawyer to get documents assuring the hospital that I (an ''unrelated'' person) could make decisions for her were she to be incapacitated, etc. Furthermore, she could not avail herself of the physical recreational facilities at the college since she was not a bona fide spouse. I had to pay a membership fee for her to join a ''Y'' so she could use the physical exercise equipment she needed to recover from her surgery. All in all, not having our partnership recognized has cost me a bundle.

Mindy Kurzer: My partner Linda and I have been in a committed relationship for 7 years and have a 2 year old daughter named Della. I was very pleased when the University of Minnesota instituted a domestic partner policy about 3 years ago. This policy has helped our family, because Linda is self-employed and previously carried only catastrophic coverage with lots of exclusions for pre-existing conditions. Since the U of M started this policy, we have been able to purchase a very comprehensive medical policy for her. This has turned out to be extremely important, because she was in a car accident 2 years ago, and sustained serious injuries for which she underwent two surgeries and still requires medical treatment. With her current health insurance, we have been able to get her excellent care—without it, I doubt we would have been able to do so.

Domestic partner benefits are important to our community, but I think they are also important to the broader society. I have had numerous opportunities to leave the University of Minnesota and have chosen to stay here in part because the University has shown a commitment to reducing discrimination. As more and more businesses and Universities institute domestic partner benefits, institutions that do not (including the government) may be disadvantaged when it comes to getting and retaining top-notch employees.

Sibley Bacon: I work for Peoplesoft, Inc. who provides domestic partner benefits to same sex couples. My partner, and I have been together for 4 years * * * she is self-employed, so we opted to have her covered through Peoplesoft. This year she developed a 5.5 cm dermoid tumor on one of her ovaries which was causing her a great deal of pain on a daily basis. Our health insurance paid for the surgery and follow up visits. This would have cost us thousands of dollars had we not had the coverage through Peoplesoft. Additionally she's been able to see a physical therapist to address some old gymnastics injuries. Needless to say, I am eternally grateful that my company provides these benefits to its gay and lesbian employees. Domestic partner coverage will certainly be a deciding factor in the future if I ever end up looking for a job outside of Peoplesoft.

Toni A.H. McNaron: My partner, and I have been in a committed relationship for almost 20 years (our anniversary is in June). We own a large home in south Mpls., pay lots of property taxes, earn well over $100,000 a year, and are the first people in our neighborhood to shovel our walks in winter.

One of our very nice heterosexual neighbors just married his girlfriend and sometimes doesn't shovel until the next day.

The moment he and she signed the marriage license, she had his full health coverage and retirement plan benefits from his quite successful legal coverage and retirement plan benefits from his quite successful legal practice. My partner has never had a PENNY of coverage during the 34 years I've worked as a professor at the University of Minnesota. And, even more unfair, if I were killed by a drunk on the freeway on the way home tonight, she would not even get a condolence letter from the University. Instead she would get a check for the ENTIRE amount of my retirement—considerable after 34 years. Furthermore, she would have to pay the federal government approximately $90,000 at tax time because of her ''windfall.'' (How amazing to consider it a windfall to have your beloved partner of 20 years killed.)

My neighbor's wife would get a condolence letter from his firm explaining to her her options for collecting his retirement funds. She is smart and would choose to have them delayed until she is older and then to have them parceled out over time so that she would pay next to no taxes on them.

Nancy: I am in Texas on internship. Rose, my partner, is back home in Minnesota. Rose has fibromyalgia/chronic fatigue syndrome and a number of other health problems. She is in the process of leaving her job and applying for disability. Partly because of her health problems, we would like to relocate permanently to Texas. However, it will take several months for her disability claim to be processed so she can get on Medicare. She can continue her insurance coverage under COBRA, but that would only be good in Minnesota, since her coverage is with a local HMO. I can't put her on my insurance due to lack of domestic partner benefits. So we're faced with a number of unattractive options: (1) I could look for a job in Minnesota, even though both of us would rather move south and that move would be good for Rose's health. (2) She could move here and be without insurance coverage for her multiple health problems until she is approved for disability. (3) We could prolong our geographic separation and have the expense of maintaining separate households until she gets on disability, which can be a very long process. I think this is typical of the difficult choices gay and lesbian couples are forced to make without domestic partner benefits.

Julie Ford: My name is Julie Ford, I am the Director of News and Public Affairs for a television station in Sarasota, Florida. My partner is Vicky Oslance, who is a surgical technician by trade but who has chosen to work per diem instead of full time in order to maintain our household since my full time job is very demanding and time consuming. Working per diem, she of course has given up health benefits. This is an added expense for us, one that the other married department heads at my workplace do not have to deal with. I an my partner have been together nearly 9 years . . . longer than most of the married people I work with. We maintain a joint checking account, stock portfolio, and own property together. It is totally unfair for me to have to pay an outrageous amount to insure Vicky's health when other married people at my workplace can get inexpensive company health insurance for their spouses.

Susan Hagstrom. When I was hired by UC Berkeley five year ago, I was struck by the lack of equal compensation for equal work. What I did not know then was how close to home this inequality would hit.

I recall vividly the day Debra, my partner of seven years, suffered an excruciating ruptured disk. I cried as I watched her in so much pain that she could not stand, sit, or work and had to literally crawl to the bathroom. I cried when she refused to get an MRI because we couldn't afford the $1000 procedure or the expensive doctor visits. I cannot fully describe to you how difficult this lack of benefits has been for me and for Debra.

Lori Stone: Until recently, my partner had a job that provided a much inferior benefit plan to my own. Because the deductible on her plan was so high, she would often elect not to get treated for illness, preferring just to ''ride it out.'' Of course this was a risky way to go, and it back-fired on us, when she came down with kidney stones, and was eventually hospitalized. The physical trauma plus the debts we have incurred, because I was unable to cover my partner's expenses, have been difficult to surmount.

I currently work for an organization that has excellent medical benefits but no provision for me to be able to cover my partner's medical expenses. If I had been able to cover my partner under my plan, I believe we wouldn't be in the unfortunate financial situation that we are today.

Thanks so much for taking this bold move. I pray for the day when I won't feel so disenfranchised in my own country.

DOMESTIC PARTNER BENEFITS—VIGNETTES—CLV/GLCAC

[First case]

Bill and his partner Joseph have been living together in a committed relationship for 8 years. Bill worked as an attorney for a large Minneapolis firm for 12 years before he was diagnosed with MS and had to leave his job within a year from diagnosis. Joseph works as a maintenance engineer for the State of Minnesota. Bill's income was two times Joseph's current income when he was able to work. The benefits Bill received on the firm's short term disability plan have expired, and no long term disability plan was in place. Bill requires 24 hour care, but is not yet eligible for inpatient nursing care.

Bill's doctor visits and medications are covered by Medical Assistance. Medical Assistance will not, however, pay for the cost of Bill's in-home care attendants. Bill's doctors have recommended 24 hour care. Joseph must continue to work to pay household expenses. The loss of Bill's income and medical and care expenses have forced the men to sell their home and trim many other expenses. The insurance plan offered by Joseph's employer would cover the cost of in-home care for the spouse or dependent of the employee. The State of Minnesota does not, however, offer health care benefits for unmarried partners of its employees. At the rate Joseph is spending money to pay for Bill's care, it is likely that he will have to leave his job at the State, collect public assistance and care for Bill himself.

[Second case]

Debra and Sara have been living together in a committed relationship for five years. They own a home together and have made other major purchases together. Debra and Sara had a child (Michael) 2 years ago. Sara gave birth to the child. Debra's employer offers health and life insurance benefits to domestic partners, and children of domestic partners are considered dependents of the employee for purposes of insurance coverage. Sara is self employed. Michael, Sara and Debra are all covered by insurance as a family through Debra's employer's plan. Six months ago Debra was recruited by a competing business because of her unique skill and experience, and was offered a job. The job would be a step up for Debra in the advancement of her career. The pay is about the same, but the prospective employer does not offer health and life benefits to unmarried partners and would not cover Michael as a dependent of Debra's. For these reasons, Debra decides to decline the offer of employment and delays career advancement as a result. The competing business misses out on Debra's unique skill and experience.

[Third case]

Joe is a student at a private college. His partner Jim works for a mid-size accounting firm. Jim's employer does not offer benefits to unmarried partners/dependents of its employees. Jim and Joe can't afford to pay the $160.00 per month for Joe's health insurance, and since Joe is only 38 years old, they hope the risk of health problems is low, and decide that he will have to go without coverage. Within a year, Joe is diagnosed with Crohn's disease and requires surgery, treatment and ongoing medications that are very expensive. Joe quits school under the financial pressure to look for a job that offers health benefits. Joe gets a job quickly and applies for health coverage, but the insurer will not cover any costs associated with Joe's pre-existing condition of Crohn's disease.

PERSONAL STATEMENTS—UNIVERSITY OF MINNESOTA

Selected personal statements of gay and lesbian University employees on the impact of not having equal benefits.

1. The University should honor its nondiscrimination policy statement by eliminating all polices that discriminate on the basis of sexual orientation. The University should recognize domestic partnership couples as they do married couples. I simply want for my family what a married employee can count on for his/her family. If, as an employee they receive a benefit, so should I. The solution is to provide similar benefits to domestic partnership couples or remove the benefits from married couples. As employees of the University we should have the same treatment. Gays and lesbians employed by the University have been systematically excluded from benefits that have been provided to their heterosexual colleagues with whom they work side by side, sometimes performing exactly the same work. That is very wrong and needs to be corrected!

On a personal level, for the 25 years I have been employed at the University I have been denied the full employment status and benefits provided to my heterosexual colleagues. This has cost me dearly financially, and has sent me the message that who I love is not valued. This treatment tells me that my family concerns are not important to the University. Although I am also an employee of the University I am not provided with the same health care security for my family as are my married colleagues.

Finally, as I approach retirement, I am outraged to find out that my partner can not defer taxes upon receiving my retirement money in the case of my death as a married spouse is able to do. This amounts to a huge financial loss for my partner and other gay and lesbian employees and their partners. Imagine your spouse having to pay 28% of $250,000 ($70,000) or 31% of $300,000 ($93,000) right off the top, thus diminishing the amount received by our partners to $180,000 and $207,000 respectfully. This is a concrete example for two of us currently long time employees of the University and who are also in long term domestic partnership relationships. In addition, both couples have registered under the city of Minneapolis domestic partner ordinance.

I am angry, disappointed and frustrated that the Board of Regents, President Hasselmo and the administrative leadership of the University have not taken action to enforce the University's nondiscrimination policy. The University should be playing a leadership role in righting this wrong, first, for its employees and then in initiating changes for the state of Minnesota and in urging Federal tax law changes.

2. When my partner's mother unexpectedly committed suicide five years ago, I was scheduled to leave that morning for an out-of-state business trip. I'll never forget my struggle over how I would approach my supervisor to request permission to either cancel the trip or to send someone in my place. I was up for a promotion and I was afraid that to acknowledge my sexual preference to this person, who I knew held fundamental religious values, would compromise my work and my livelihood.

I ultimately equivocated and asked if I could send someone else on the trip, because my ''housemate—slash(/)—best friend needed my support. As you might guess, this didn't sound sufficiently persuasive and I left on the trip (shortened by two days) with the ''blessing'' of my partner, who, of course, was in shock. I succumbed to fear and in doing so compromised my own humanity and my bond with my partner. It is still deeply painful for me to remember the coerciveness of the situation, the fear and intimidation that I experienced, and my own personal failing.

It was one of the most demeaning and dehumanizing experiences of my life. I ask those of you who are married to imagine having to make such a choice: imagine having to ask permission to be with your grieving partner. There are no reparations the University can offer me to recast the past. I would, however, like to think that the Board of Regents and central administrators have the compassion and courage to act now so that others will not be confronted with such a choice.

3. The University is discriminating on the basis of sexual orientation. My family doesn't receive the same benefits as families of heterosexuals.

I have had the Group Health Plan benefits package for nearly sixteen years. I began family coverage when I married (1978), adding my spouse at a nominal monthly fee to the single coverage I already carried (which was paid in full by the University). When my children were born (1983, 1986) the cost of family coverage didn't change. In fact, the cost of family coverage is constant no matter how many dependents you have on the policy. I was amazed to learn that the cost of family coverage (including coverage for my ex-husband) remained the same even after getting a divorce. My ex-husband remained on my insurance policy—at no additional cost—even though we were not legally married.

I am now in a committed lesbian relationship. My partner and I have a relationship every bit as stable and committed as a marriage, but we are not entitled to the same benefits I enjoyed when I was married.

My partner had been teaching part-time in a private school for two years before she became eligible for health insurance through her employer. Two weeks before her insurance was to take effect she was stricken with severe abdominal pain. Though we considered ''toughing it out until her insurance kicked in, it became increasingly clear that she needed to be treated immediately. She had a large, twisted ovarian tumor removed in October, 1990. By the time of the surgery, her insurance was in place. We breathed a sigh of relief.

Months later we learned that because her pain started (and was briefly treated) before her insurance began, the claim for coverage for the surgery and hospital stay were disallowed because there was a pre-existing condition exclusion in her insurance policy. We are now faced with over $5,000 (plus 12% interest per year) in medical bills. That may not seem like a lot of money to some people, but it certainly is to us. And it's money that wouldn't have had to be spent at all if she had been on my family coverage all along.

So why is it that my ex-husband (no legal relation) was entitled to continue receiving benefits until he married, but my life partner has had to go without medical insurance? The answer is simple—discrimination.

4. One of my colleagues, a male who is heterosexual, received his Ph.D. the same year I

did. We have taught the same number of years and were tenured here the same year. However, he has received health benefits for his wife and two children during this time. I believe that would add up to several thousand dollars more that he has received from this University than I have. My partner is self employed part time and works at the University only to receive benefits. I feel that I am discriminated against based on my sexual preference and have suffered significant financial loss by having to pay for health benefits for my partner and our child.

5. I feel discredited in all but the most professional senses since my University will not acknowledge the centrality of my relationship with my partner of 14 plus years. This level of constant and costly discrimination makes any positive responses to me from the institution bittersweet at best and hypocritical at worst. My family life is erased and made invisible by an institution of learning which tauts acceptance of diversity and pursuit of truth. When I'm not furious, I'm terribly sad.

6. It is very demoralizing to see the incredible benefits that my married colleagues (heterosexual) get and know that it will be a fight to get the same. My partner is self-employed and health coverage is astronomical for self-employed people. In order to buy a plan similar to that at the U, it would cost us $5–$7000 a year. Since it's so costly, my partner does not have very good health coverage and as a result I am very concerned about what would happen if a serious health crisis occurs.

So I am not just losing the $1500 or so the U would pay out to cover her because of the lack of recognition, I will have to pay $5–$7000 per year more than most of my colleagues. I view this as if I received that much less salary per year. How can the U have sexual orientation, gender and marital status in the equal opportunity statement and not consider this discrimination?

I wrote a letter to Gus Donhower when I heard of the proposed changes in health coverage. One option proposed was that those people covered by their spouses' employment could get the cash equivalent of coverage instead of being covered by the U. I suggested that if that were done, then those of us without spouses or dependents should certainly get the cash equivalent of spousal/dependent coverage. It seems an obvious parallel to me. He responded by saying it was an interesting idea but there's no money for this added benefit. Well, I think that's like saying it would be nice to pay blacks or women what we pay men, but we just don't have the money. One has no choice but to find the money. If there really isn't enough then some benefits may need to be removed from those who have them, in order to provide for those who don't. Maybe people with more than two children need to pay for their health insurance, or perhaps the cost for an employee for spousal coverage needs to increase. The current discrimination is so clear to me (of course I'm not a lawyer) that I wonder if a lawsuit could successfully challenge the University's non-compliance with its equal opportunity statement.

At this point, my commitment, dedication, willingness to work hard under increasingly difficult pressure, is affected by my feeling of not being seen, recognized, and treated equally to my heterosexual colleagues. Right now, it's hard not to feel taken advantage of . . . .

7. My partner returned to school to pursue a second advanced degree. She attends the University of Minnesota. At the same time, one of my married colleagues' spouse returned to school. Their health insurance profile did not change at all. Ours changed dramatically. Because I cannot get health insurance for my partner of 10 years (longer than my married colleague), we have paid 2,500 per year in health insurance and routine health care out of pocket. Over three years, the tax on being a lesbian has been $7,500. I realize of course, that the cost of my health insurance would have increased during this period, so the net cost to us would have been above my current health insurance but below $7,500. This economic burden is a clear example of otherwise similarly situated people being treated differently solely on the basis of sexual orientation.

Let me add that I do not think that the University should require public registration of partnerships to receive partnership benefits unless the state revokes the so-called ''sodomy'' law. To ask for such registration imposes the acknowledgement of legal risk as a cost for benefits. In addition, if reduced tuition is available for other family members, this benefit should be extended to gay and lesbian families as well.

8. The University considers me ''single''. As a ''single'' person, I subsidize both married couples and individuals with children. But as a domestic partner I should be able to enjoy the same benefits as other ''married'' couples.

Last summer my partner required minor surgery for skin cancer. Because she was a substitute teacher, she had no coverage. As a result we became responsible for the bills. This created more financial and emotional distress for us which I am certain impacted my own productivity.

Another issue I have is that it seems the administration wants us to provide documentation (e.g. registration, affidavits, etc.) to prove we are indeed a couple. Does the University require married couples to provide an affidavit or their marriage license when applying for benefits?

Furthermore, the domestic partnership applications become public records. Given the history of the discriminatory treatment meted out on gays and lesbians in ours and other cultures, I would not want to be that public in my sexual orientation, especially in a state without a human rights amendment protecting us.

9. How do I feel about the University's treatment of domestic partners? Not positive! My partner and I each have one dependent. We must each pay for family benefits which is a huge commitment, especially since my partner is self-employed and self-insured. Many of us are on federal benefits. If the University changes its policy we'll need help so that we can move to University benefits.

10. I feel that if the University is unable to provide health benefits to unmarried partners they should also refuse benefits to married partners and only cover under age dependents. I consider the lack of these benefits to be an unequal and discriminatory pay scale, with married employees receiving higher compensation levels just because they are married.

By Mr. TORRICELLI (for himself and Mr. KOHL):

S. 1637. A bill to expedite State review of criminal records of applicants for bail enforcement officer employment, and for other purposes; to the Committee on the Judiciary.

THE BOUNTY HUNTER ACCOUNTABILITY AND QUALITY ASSURANCE ACT OF 1998

Mr. TORRICELLI. Mr. President, today I am joined by my distinguished colleague from Wisconsin, Senator KOHL, in introducing the ''Bounty Hunter Accountability and Quality Assurance Act of 1998.'' Our bill will begin the process of reforming the revered but antiquated system of bail enforcement in this country.

Throughout our nation's proud history, bounty hunters have proved a valuable addition to our law enforcement and recovery efforts. About 40 percent of all criminal defendants are released on bail each year, and in 1996 alone more than 33,000 skipped town. Police departments, no matter how efficient or determined, cannot be expected to deal with so many bail jumpers in addition to their other duties. But while public law enforcement officers recover only about 10 percent of defendants who skip town, bounty hunters catch an incredible 88 percent of bail jumpers.

Because of the special, contractual nature of the relationship between bail bondsmen and those who use them to get out of jail, bounty hunters have traditionally enjoyed special rights—a nineteenth century Supreme Court case affirmed that while bounty hunters may exercise many of the powers granted to police, they are not subject to many of the constitutional checks we place on those law enforcement officials. As a result, bounty hunters need not worry about Miranda rights, extradition proceedings, or search warrants.

The ability to more efficiently track and recover criminal defendants serves a valuable purpose in our society. But the lack of constitutional checks on bounty hunters also opens the system up to the risk of abuse. Each of us has read or heard about cases in which legitimate bounty hunters or those simply posing as recovery agents have wrongfully entered a dwelling or captured the wrong person.

In one recent Arizona case, several men claiming to be bounty hunters broke into a house, terrorized a family and ended up killing a young couple who tried to defend against the attack. It now appears that these men were simply ''posing'' as bounty hunters, but there are other reported incidents in which ''legitimate'' bounty hunters have broken down the wrong door, kidnaped the wrong person, or physically abused the targets of their searches. And there is little recourse for the innocent victims of wrongful acts.

Our legislation would begin the process of making bounty hunters more accountable to the public they serve, and would help to restore confidence in the bail enforcement system. The bill would not unduly impose the will of the federal government on states, which have traditionally regulated bounty hunters. Our legislation contains only three simple provisions, each of which will make it easier to better regulate bounty hunters, but none of which will overburden states.

The first provision of the ''Bounty Hunter Accountability and Quality Assurance Act'' would simply allow a national bail enforcement organization to run background checks through the

FBI, ensuring that there will be a relatively easy way to keep convicted felons out of the bail enforcement business. A nearly identical provision related to private security guards recently passed the House by a nearly unanimous vote.

The second provision of the bill directs the Attorney General of the United States to establish model guidelines for states to follow when creating their own bail enforcement regulations. In the course of her work, the Attorney General will be specifically directed to look into three areas identified by the bill—whether bounty hunters should be required to ''knock and announce'' before entering a dwelling, whether they should be required to carry liability insurance (most already do), and whether convicted felons should be allowed to obtain employment as bounty hunters. While states are not required to follow the model guidelines, those states who choose to adopt the guidelines within two years will receive priority for Byrne grant funding.

Finally, this bill makes bail bond companies liable for the acts of the bounty hunters they hire. The clarification of liability in our bill will encourage these companies to carefully select and perhaps even train the bounty hunters in their employ. Perhaps we can cut down on the worst abuses if we force employers to take a closer look at who they hire.

Mr. President, it is time to start the process of making rogue bounty hunters more accountable, while at the same time restoring America's confidence in the long tradition of bail enforcement that dates from the earliest days of this nation. I urge my colleagues to join us in taking this first step towards this process, and I thank my distinguished colleague from Wisconsin, Senator KOHL, for joining me in introducing this bill today.

I ask unanimous consent that the full text of this bill be published in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bounty Hunter Accountability and Quality Assistance Act of 1998''.

SEC. 2. FINDINGS.

Congress finds that—

(1) bail enforcement officers, also known as bounty hunters or recovery agents, provide law enforcement officers with valuable assistance in recovering fugitives from justice;

(2) regardless of the differences in their duties, skills, and responsibilities, the public has had difficulty in discerning the difference between law enforcement officers and bail enforcement officers;

(3) the American public demands the employment of qualified, well-trained bail enforcement officers as an adjunct, but not a replacement for, law enforcement officers; and

(4) in the course of their duties, bail enforcement officers often move in and affect interstate commerce.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term ''bail enforcement employer'' means any person that—

(A) employs 1 or more bail enforcement officers; or

(B) provides, as an independent contractor, for consideration, the services of 1 or more bail enforcement officers (which may include the services of that person);

(2) the term ''bail enforcement officer''—

(A) means any person employed to obtain the recovery of any fugitive from justice who has been released on bail; and

(B) does not include any—

(i) law enforcement officer;

(ii) attorney, accountant, or other professional licensed under applicable State law;

(iii) employee whose duties are primarily internal audit or credit functions; or

(iv) member of the Armed Forces on active duty; and

(3) the term ''law enforcement officer'' means a public servant authorized under applicable State law to conduct or engage in the prevention, investigation, prosecution, or adjudication of criminal offenses, including any public servant engaged in corrections, parole, or probation functions.

SEC. 4. BACKGROUND CHECKS.

(a) IN GENERAL.—

(1) SUBMISSION.—An association of bail enforcement employers, which shall be designated for the purposes of this section by the Attorney General, may submit to the Attorney General fingerprints or other methods of positive identification approved by the Attorney General, on behalf of any applicant for a State license or certificate of registration as a bail enforcement officer or a bail enforcement employer.

(2) EXCHANGE.—In response to a submission under paragraph (1), the Attorney General may, to the extent provided by State law conforming to the requirements of the second paragraph under the heading ''Federal Bureau of Investigation'' and the subheading ''Salaries and Expenses'' in title II of Public Law 92–544 (86 Stat. 1115), exchange, for licensing and employment purposes, identification and criminal history records with the State governmental agencies to which the applicant has applied.

(b) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section, including measures relating to the security, confidentiality, accuracy, use, and dissemination of information submitted or exchanged under subsection (a) and to audits and recordkeeping requirements relating to that information.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the number of submissions made by the association of bail enforcement employers under subsection (a)(1), and the disposition of each application to which those submissions related.

(d) STATE PARTICIPATION.—It is the sense of Congress that each State should participate, to the maximum extent practicable, in any exchange with the Attorney General under subsection (a)(2).

SEC. 5. MODEL GUIDELINES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall publish in the Federal Register model guidelines for the State control and regulation of persons employed or applying for employment as bail enforcement officers.

(b) RECOMMENDATIONS.—The guidelines published under subsection (a) shall include recommendations of the Attorney General regarding whether a person seeking employment as a bail enforcement officer should be—

(1) allowed to obtain such employment if that person has been convicted of a felony offense under Federal law, or of any offense under State law that would be a felony if charged under Federal law;

(2) required to obtain adequate liability insurance for actions taken in the course of performing duties pursuant to employment as a bail enforcement officer; or

(3) prohibited, if acting in the capacity of that person as a bail enforcement officer, from entering any private dwelling, unless that person first knocks on the front door and announces the presence of 1 or more bail enforcement officers.

(c) BYRNE GRANT PREFERENCE FOR CERTAIN STATES.—

(1) IN GENERAL.—Section 505 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) is amended by adding at the end the following:

''(e) PREFERENCE FOR CERTAIN STATES.—Notwithstanding any other provision of this part, in making grants to States under this subpart, the Director shall give priority to States that have adopted the model guidelines published under section 5(a) of the Bounty Hunter Accountability and Quality Assistance Act of 1998.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 2 years after the date of enactment of this Act.

SEC. 6. JOINT AND SEVERAL LIABILITY FOR ACTIVITIES OF BAIL ENFORCEMENT OFFICERS.

Notwithstanding any other provision of law, a bail enforcement officer, whether acting as an independent contractor or as an employee of a bail enforcement employer on a bail bond, shall be considered to be the agent of that bail enforcement employer for the purposes of that liability.

By Mr. CONRAD (for himself, Mr. DASCHLE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. REED, Mr. LEAHY, Mr. DODD, Mr. BINGAMAN, Mr. DURBIN, Mr. BAUCUS, Mr. DORGAN, Mr. ROCKEFELLER, Mr. KERREY, Mr. WYDEN, Mr. WELLSTONE, Mr. TORRICELLI, Mrs. BOXER, Mr. KERRY, Mr. BUMPERS, Mr. MOYNIHAN, Mr. JOHNSON, Mr. BREAUX, Mr. KOHL, Ms. LANDRIEU, Ms. MOSELEY-BRAUN, and Mr. LIEBERMAN):

S. 1638. A bill to help parents keep their children from starting to use tobacco products, to expose the tobacco industry's past misconduct and to stop the tobacco industry from targeting children, to eliminate or greatly reduce the illegal use of tobacco products by children, to improve the public health by reducing the overall use of tobacco, and for other purposes; to the Committee on Finance.

THE HEALTHY KIDS ACT

Mr. CONRAD. Mr. President, I rise today to introduce legislation that we call the HEALTHY Kids Act. It addresses the question of how we form a national policy on tobacco.

I am joined in cosponsorship by Senators AKAKA, BAUCUS, BINGAMAN,

BOXER, BREAUX, BRYAN, BUMPERS, DASCHLE, DODD, DORGAN, DURBIN, JOHNSON, KENNEDY, BOB KERREY, JOHN KERRY, KOHL, LANDRIEU, LAUTENBERG, LEAHY, MOSELEY-BRAUN, MOYNIHAN, REED, ROCKEFELLER, TORRICELLI, WELLSTONE, and WYDEN. And we have additional Senators who are considering cosponsorship of this legislation as we speak.

First of all, I thank the Democratic leader, Senator DASCHLE, for his strong leadership and support of the work of the task force. Months ago he called me and asked me to head up an effort within the Democratic Caucus to draft tobacco legislation. We have engaged 21 members of this task force in a lengthy effort to listen to those affected and to try to craft a responsible national tobacco policy.

We held 18 hearings. We heard over 100 witnesses. We held hearings across the country. We engaged in this level of effort because the subject is so important.

Tobacco is the only product that when used legally—and as the manufacturer intended—addicts and kills its customers.

For too long tobacco companies have waged war on our kids. It is time to counterattack.

For too long big tobacco has hooked our kids on a lifelong addiction. It is time to stop it.

For too long the tobacco industry has deliberately targeted kids as ''replacement smokers'' to fill the shoes of over 425,000 Americans killed by tobacco each year.

Let me repeat that. Over 400,000 deaths a year in this country are caused by the use of tobacco products. Many more, as we have heard in our hearings, have suffered terribly. As we heard Monday at a hearing in Newark, NJ, when we heard from Pierce Frauenheim, a coach and assistant principal who had a laryngectomy because of throat cancer caused by the use of tobacco products. He told us of the terror and trauma of that illness. And we heard from a young woman named Gina Seagrave, a young woman who lost her mother to a massive heart attack when she was only 45 years of age because of using tobacco products. Her tears told the story of her family's pain and suffering.

Mr. President, those stories are rewritten day in and day out because of the awful effects of tobacco. There is something we can do about it if only we have the political will and the courage to act. Witnesses told us repeatedly that we need a comprehensive plan to dramatically reduce the use of tobacco products in our country. That is what we present today—the HEALTHY Kids Act.

Mr. President, the HEALTHY Kids Act is the work of the Senate Democratic task force on tobacco legislation. The HEALTHY Kids Act provides responsible tobacco policy. It protects children, promotes the public health, helps tobacco farmers, and resolves Federal, State and local legal claims, without providing immunity to the industry; it invests in children and health care; it provides savings for Social Security and Medicare; and it reimburses taxpayers for costs that have been imposed on them by the use of these products.

The HEALTHY Kids Act protects children. It does that with a healthy price increase—a $1.50 a pack health fee phased in over 3 years. It protects children by providing the Food and Drug Administration with full authority to regulate these products. It provides strong penalties for those companies that fail to reach the targeted projection for the reduction of teen smoking—a 67 percent reduction in teen smoking over the next 10 years. Those penalties are a 10-cent a pack penalty industry wide if the goals are not met and a 40-cent a pack penalty for the individual companies for their failure to reach the objective. We also protect children by providing comprehensive antitobacco programs. Included in that are counteradvertising, prevention programs, smoking cessation programs and research. Finally, in protecting children, we provide for retailer compliance—State licensure of retailers and no sales to minors.

The HEALTHY Kids Act also promotes the public health. It does so by addressing the question of secondhand smoke. Most public facilities in the country would be smoke free under our proposal. We would provide exemptions for bars, casinos, bingo parlors, hotel guest rooms—that is, hotels could have smoking and nonsmoking rooms as they do now—nonfast-food small restaurants, that is, those restaurants with less than 50 seats would be exempt; prisons, tobacco shops, and private clubs. At the same time we provide those exemptions, we also provide for no State preemption. If a State or local unit of government wants to have more stringent provisions, it is free to do so.

We also promote the public health by protecting the public's right to know. We provide for full document disclosure; all relevant documents go to the FDA. The FDA is able to make those documents public; and the public health interest overrides trade secret or attorney-client privileges when the FDA makes a determination that the public health is the overriding interest.

We also provide for international tobacco marketing controls: no promotion of U.S. tobacco exports. I am proud to say that in this administration we are not doing that, but in previous administrations they have. This would codify the conduct of this administration and provide for no promotion of U.S. tobacco exports. It also provides a code of conduct. No marketing to foreign children. Any activities carried out in this country to market to children in another country would be illegal. It also has modest funding for international tobacco control efforts. And we require warning labels, warning labels of the country that is the recipient of products sent from this country. And if they do not have a system of warning labels, then our own warning labels would apply.

The HEALTHY Kids Act also helps tobacco farmers. They were left out of the proposed settlement completely. Their interest was not addressed. We do not think that is fair. We provide $10 billion in just the first 5 years for assistance to farmers and their communities. We authorize funding for transition payments to farmers and quota holders. We provide for rural and community economic development retraining for tobacco factory workers and tobacco farmers and even college scholarships for farm families if the committees of Congress deem that appropriate.

The HEALTHY Kids Act makes very clear that we will not provide immunity to this industry, no special protection for future misconduct, no special protection against individual lawsuits for past misconduct. We do resolve the outstanding Federal, State, and local government legal claims. States, however, can opt out of this national settlement if they so choose, and cities and counties are assured of getting a fair share of reimbursements that go to States.

On the question of attorney's fees, we concluded that no monies from the HEALTHY Kids Act should be used for attorney's fees. With respect to the size of the fees, we deliberated long and hard, listened to all of the affected interests and concluded that the attorney's fees in these cases ought to be resolved by arbitration panels using ABA ethical guidelines. Those guidelines are set out with specificity in the legislation that I will introduce today.

And so if we are in a circumstance like the controversy in Florida, if the parties cannot agree, an arbitration panel would resolve the matter and determine what the attorney's fees were in the case that has been settled. That is also the case in other States. If the parties at interest reach agreement among themselves, there would not be an arbitration panel. But where there is disagreement as to what the appropriate attorney fees should be, an arbitration panel would be empowered to make the determination.

I do not think any of us want to see unjust enrichment of anybody based on a resolution of these tobacco issues and tobacco lawsuits around the country.

Mr. President, the HEALTHY Kids Act invests in children, in health, in savings for Social Security and Medicare, and reimburses taxpayers who have had costs imposed on them.

The distribution of the funds raised by the act is as follows: Payments to States are 41.5 percent of the revenues. The States would get 14½ percent of the money unrestricted; 27 percent would go to the States for children's health care, child care and improved education.

We would also provide 15.5 percent for antitobacco programs. That includes counteradvertising campaigns as well as smoking cessation and smoking prevention programs. NIH health research would be increased. They would receive 21 percent of the funds provided. Medicare would get 4 percent of the money initially but over time that would grow to 10 percent. Similarly, Social Security would get 6 percent of the money initially and that would grow to 12 percent over time.

We believe it is appropriate when you receive a windfall not to spend it all, and so we are providing that when the program is fully phased in, over 20 percent of the money, instead of being spent, will be used to strengthen Medicare and Social Security for the future.

That is what the American people want to see happen, and we have provided for it in this legislation. Farmers initially get 12 percent of the revenues to ease their transition. Obviously, they are going to take an economic hit here, and it seemed fair to us that they be included in any package to resolve these controversies. Over time their part of this package would be phased out and then the Medicare and Social Security parts of the legislation would see their share increased.

Mr. President, we have provided here a comparison of the tobacco revenue and spending, a comparison between what the President's budget called for and what The HEALTHY Kids Act calls for. First of all, in terms of total revenue, our plan would raise $82 billion over the next 5 years, some $500 billion over the next 25 years. In the first 5 years, the States would get in an unrestricted way $12 billion. They would get $22 billion for children—$14 billion for child care, $3 billion for health care for children and $5 billion for education. The research component of the plan would provide $17 billion to the National Institutes of Health for increased health research. Medicare initially would get $3 billion in the first 5 years. The farmers would get $10 billion. That is a 5-year figure. The antitobacco efforts would receive $13 billion, and savings for Social Security would be $5 billion.

Mr. President, The HEALTHY Kids Act is supported by the American public. We did extensive national polling to make certain that what we are proposing is in line with what the American people want and the polling data shows a high level of support for a significant per pack price increase which we have termed a health fee, significant public support for strong lookback penalties for failure to meet the goals of reducing teen smoking and no special protections for this industry.

That is what the American people want. That is what The HEALTHY Kids Act provides. With respect to the question of a $1.50 per pack health fee for youth smoking deterrence and health programs, the American people support that by more than a 2-to-1 margin—65 percent in favor, 30 percent opposed. By the way, this is across party lines, across regional lines. The American people support a $1.50 a pack health fee. The price increase support for youth smoking deterrence and health programs cuts across party lines. The poll shows if it is termed tax support it is very strong all across the country, even stronger if it is for a health fee. In fact, 69 percent of Democrats support the $1.50 health fee, 67 percent of Republicans.

There is also strong public support for a lookback penalty of 50 cents a pack if the industry fails to meet the goals for the reduction of teen smoking. By 54 percent to 34 percent the American public supports lookback penalties of 50 cents a pack or more. In fact, a significant majority of the 54 percent support a dollar a pack lookback penalty.

Voters are also strongly opposed to providing special protections to the tobacco industry. When we asked the American people: Do you want to give immunity to this industry? Do you want to give them special protection going forward? By 55 percent to 32 percent, they oppose any special protections being given to this industry. They say no to immunity. The HEALTHY Kids Act says no to immunity.

The HEALTHY Kids Act accomplishes the objectives laid out by President Clinton. He laid out five. He said you have to reduce teen smoking by providing tough penalties and a health fee or price increase that will deter youth smoking. We have full FDA authority. We are changing the industry culture. We meet the additional health goals laid out by the President, and protect tobacco farmers and their communities.

As the Vice President said yesterday when we unveiled this proposal in a press conference here on Capitol Hill: The administration strongly supports this bill.

The Vice President reported that if this bill comes to the President's desk, he will sign it and sign it without hesitation.

I expect that big tobacco will fight these initiatives. Indeed, we saw yesterday they came out swinging against the proposal that I am offering here today. We will hear from the tobacco industry, its lobbyists and its supporters in Congress, that we cannot have a health fee of $1.50 a pack, we can't fund public health programs or hold the industry and tobacco companies accountable if they sell to kids. We will hear from them that we cannot give FDA the same authority it has over prescription drugs and our food supply.

I submit, if we care about our kids' futures, we must do all of these things. This legislation lays down a marker for good, responsible, national tobacco policy to protect our kids and promote the public health. It sets a clear, unambiguous test against which other legislation can be measured. And it sets a challenge for those who say they want to protect our kids but have so far not produced effective tobacco control legislation. The HEALTHY Kids Act recognizes that tobacco is causing addiction, disease and death. It also recognizes that there is something we can do about it. HEALTHY Kids affirms life and health and our commitment to our children. It tells you we can make a difference.

I invite my colleagues to join in a bipartisan effort to pass legislation like we are offering here today. We can do it and we can make a difference. We can reduce the addiction, the disease and the death that is being caused by the use of tobacco products. Now is the time to act. The public supports it. Again, I ask my colleagues on both sides of the aisle to join us in this effort. There is no reason for this to be a partisan issue. There is every reason for us to work together to resolve the challenges posed to our society by the use of these products.

Mr. President, I note a colleague of mine, Senator REED of Rhode Island, is on the floor. Senator REED played a critical role in the development of this legislation. He was one of the most active participants on the task force who has worked for months to fashion these legislative proposals. I commend Senator REED publicly for his contributions to this effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise today to join my colleague, Senator CONRAD from North Dakota, in supporting and introducing the HEALTHY Kids Act and thank him for his kind words. I must say, if there is anyone who has been a true leader and true hero in this struggle to date, it has been KENT CONRAD, whose leadership helped pull together not only an impressive array of cosponsors but, with over hundreds of witnesses and many, many sessions, he was able to get to the substance of a very complicated and difficult issue: How are we going to respond to the crisis of teenage smoking in the United States? How are we going to protect the public health of America, particularly America's children?

Today we are introducing the HEALTHY Kids Act, which will, I believe, do that. Again, I commend Senator CONRAD for his great leadership and effort, and I look forward to working with him and all my colleagues to develop legislation that will once and for all prevent the illegal sale of cigarettes to children in this country.

We are all aware of the depressing statistics with respect to smoking and children in the United States. Today, some 50 million Americans are addicted to tobacco smoke. Every year, 1 million children become regular users of cigarettes, tobacco. One-third of them will die prematurely of lung cancer, emphysema, or other horrible smoking related illnesses.

This is an addiction. Fully three-quarters of smokers want to quit but they cannot because they are addicted. The most disturbing aspect of this addiction is it begins with young people. Mr. President, 90 percent of adult smokers today began to smoke while they were 18 years old or less. In fact, this goes down to children who are 10, 11, 12 years old. It is a shocking, disturbing, and all-too-real aspect of American life and culture. We have an opportunity, indeed an obligation, to do something about it. That is why I am here, along with Senator CONRAD, to join in the introduction of this HEALTHY Kids Act.

In my home State of Rhode Island, we have a situation in which adult smoking is beginning to stabilize. Unfortunately, teen smoking continues to rise, with a more than 25 percent increase among high school students. That is a bad omen for the future, a bad omen for the country. It is too easy for children to buy cigarettes. It is too easy, in a climate in which the tobacco industry spends upward of $5 billion a year making cigarette smoking appear to be alluring, sophisticated, adult-oriented—all those things which are attractive to children.

We know from the record that has emerged over the last several months in court proceedings that this is not a coincidence, we know that children have been deliberately targeted by cigarette companies. They are the replacement customers for the 400,000 Americans who die each year of smoking-related diseases. We have to stop that insidious replacement, that insidious attack on the youth of America.

We begin this legislative process in a situation in which the tobacco industry has worked hard to earn the distrust—let me say it again—the distrust of the American people. Over the years they have not been candid. They have deliberately confused, fought against, and frustrated attempts to regulate their product in the marketplace.

I recently came across an interesting story about youthful smoking among boys. One of the research scientists said, ''The cigarette smoker is slowly and surely poisoning himself and is largely unconscious of it.'' That report was in Education Magazine in 1909. The tobacco industry has long known that cigarette smoking is harmful to children, and harmful to public health.

In 1963, Battelle Laboratories in Switzerland did a series of studies for the British American Tobacco Company, that's the parent of Brown & Williamson Tobacco Company. The conclusion, after review of these studies by the general counsel of Brown & Williamson, was shown as follows: ''We are then in the business of selling nicotine, an addictive drug, effective in the release of stress mechanisms.'' Since 1960, the industry has known they were selling an addictive product, and has known they were selling a product that killed people.

It has all, though, been obscured and dressed up by advertising that would suggest to everyone that smoking is not harmful; indeed, claiming it is healthful. That is absolutely wrong. Back in the 1920s, the companies that were selling cigarettes were advertising themes like, ''20,679 physicians say Luckies are less irritating.'' Promoting cigarettes, in effect, as a healthful practice and not a harmful practice. Another theme of those days was, ''For digestion's sake, smoke Camels.'' Again emphasizing an illusory therapeutic value that never existed in cigarettes.

In 1953, an advertisement read, ''This is it. L&M filters are just what the doctor ordered.'' As if the medical profession was endorsing a product which they knew was harmful and which they suspected, but perhaps did not yet know, was highly addictive.

In this Congress, we have tried to rein in the use of tobacco by children, tried to control the access of young people and tried to warn the American public about the dangers of tobacco. In the 1960s, we brought the industry, we thought, kicking and screaming to accept legislatively mandated warning label. Only after the fact did we learn that the industry privately accepted this label as a good fortune because it allowed them to defend themselves in court with the notion that smokers assumed the risk because they read these labels. Only recently, with the evidence that is more and more conclusive each day of the addictive quality of cigarettes, has the industry begun to respond.

Today we are here to ensure that the past is not repeated, the past of addiction of young people to cigarettes and the past of a very pliant Congress, not effectively regulating the tobacco industry. That is why the HEALTHY Kids Act is so important. It represents a comprehensive effort to ensure that our children are safe and the public health is protected.

One of the important elements of this bill is a price increase of $1.50 a pack. This is not in any way an attempt of retribution on the industry. Rather, it recognizes the fact that a price increase is probably the strongest deterrent there is to teenage smoking. Unlike adult smokers who may already very well addicted, teenagers will respond to price increases. A price increase is one sure way, perhaps the best way, we can ensure that teenagers do not smoke.

The second aspect of the act is giving the FDA full authority over tobacco products, all tobacco products. This proposal would not condition their authority; it would give the FDA the authority, the responsibility, the obligation to regulate tobacco as it regulates so many other drugs and so many other products in our society.

This legislation also includes strong look-back penalties. The HEALTHY Kids Act would set a goal of reducing teenage smoking rates by 67 percent in 10 years and would hold manufacturers accountable for these tough goals by imposing 10-cent-a-pack penalties on the industry across the board and 40-cent penalties on brand-specific products that do not meet the targeted reductions. There would be no rebate. In the proposal the industry negotiated with the Attorneys General, there would be the possibility of a company receiving a rebate by just trying hard. This legislation would require the goal be met, not simply the effort be made. This would also include comprehensive anti-smoking programs, through advertising, prevention programs, and other means that would help ensure that children do not smoke. These program would also give adults, if they wish to change, access to programs to make sure they can make that transition from smoking to nonsmoking.

Because of the money that is generated, we will be able to commit significant resources to programs that are extremely important, programs that have been outlined so well by Senator CONRAD: education, child care, health resources.

Also, this legislation, importantly, does not curtail prospective liability for the tobacco industry. It would settle the suits that have been lodged by the State attorneys general. Also, it would settle claims with respect to governmental entities, but it would allow individual citizens who have been harmed and who will be harmed by tobacco smoke to bring their case to court.

I believe this is a crucial part of the legislation, because without this, the other mechanisms that we develop may well be undermined by sophisticated corporate reorganizations by the industry, by challenges to aspects of the law, and by many things which the tobacco companies have done in the past to remake themselves to comply with Federal statutes. Statutes which Congress thought would control their behavior but which in many cases not only did not control their behavior but gave the tobacco companies additional ammunition to defend themselves against civil suits in the courts.

I believe that this liability issue is an important one and one that distinguishes this legislation from others that have been introduced in this Congress.

We here today have the opportunity to do what all Americans want us to do, ensure that children do not have ready access to cigarettes, ensure that the next generation of Americans is not addicted before they become adults, ensure that the public health in this country is protected, ensure that we are able to create an environment in which a parent does not have to confront what must be one of the most harrowing moments, the realization that a young son or a young daughter is beginning to smoke and realizing also, as we do today, that that means that this child will die prematurely.

No parent should have to endure that moment. No child should have to be subject to the barrage of advertising,

the barrage of influences which have forced that child to smoke cigarettes. I look forward to working with my colleagues to enact this bill and to meet these goals. I look forward, as we all do, to the day in which cigarette smoking is not something that we associate with the youth of this country.

I yield my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to just take a few moments this afternoon to express my very warm appreciation to Senator CONRAD for the leadership that he has provided in bringing together a variety of different views and offering on behalf of the families of this country an absolutely superb proposal that is focused on how we are going to reduce smoking for the young people of this country.

This bill isn't the perfect solution, but I daresay that if this particular legislative proposal was enacted into law it would save the lives of millions of Americans.

This has been a long process, Mr. President, since the first Surgeon General pointed out the dangers of smoking. This has been a constant effort over many, many years to try and address this issue in a comprehensive and responsible way.

All of us take our hats off to the work that was done by the attorneys general that resulted in the June 20 settlement. But the legislation Senator CONRAD has introduced today is really a very, very comprehensive proposal that, in many respects, may be the most important legislative undertaking that we will have in this Congress.

Senator CONRAD and the other members of the task force should be commended in putting this proposal forward so early in the Congress. We know we have maybe 90 days left in this session, but I daresay that our time could not be more beneficially spent than in the debate and the discussion of this legislation.

I join with those in hoping that we can get thoughtful consideration of this legislation in the committee on the floor of the Senate. It incorporates the principles that have been identified by the public health community and those who have studied this issue over a long period of time which are most important in reducing smoking:

No. 1, raising the cost of cigarettes in a substantial way over a short period of time. In addition, the counteradvertising measures are very, very important. Those two measures in tandem can make a dramatic difference in the number of young people who will smoke in the future.

The strong FDA measures will also make sure the Agency will have the power and the authority to regulate nicotine and the other additives in cigarettes.

I think the attention that was given in the secondhand smoking proposals and also in recognizing our responsibilities of promoting cigarettes overseas are very thoughtful suggestions in these areas.

I want to add that I believe it is so important that the revenues that are raised from this proposal will give a substantial boost to programs that affect the children of this country. A very substantial part of the financial resources that are gained when this legislation is enacted will be focused on the children who have been the focus of the tobacco industry for over a long, long period of time. I commend the Senator and the task force for that commitment to the nation's children.

Secondly, there is an equally strong commitment towards supporting the biomedical research which offers such extraordinary opportunities for breakthroughs, not only in children's diseases but in other medical conditions such as cancer, AIDS, heart disease, diabetes, Alzheimer's Disease, and mental illness.

This legislation can make a major difference in the public health of the nation by reducing youth smoking. It can also make a major difference to the children of this nation in focusing resources to make their lives more hopeful in the future. And it can make a major difference in terms of the biomedical research opportunities at NIH which offer extraordinary hope in finding treatments for some of the nation's most severe medical conditions.

For all these reasons, this legislation should go forward. As Senator CONRAD has pointed out, he welcomes the chance for others to join in strong support of this legislation, but certainly it is the challenge that is laid out here. Others will have views. We hope they will come forward.

What we have heard so far is a deafening silence. I don't think the American people are going to tolerate a silence in blind opposition to what has been a very thoughtful, a very comprehensive, and a very detailed response to something that is of central importance to every family in this country.

I commend the Senator from North Dakota for all of his work and indicate a great desire to work closely with him and the others to make sure this legislation becomes law.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank Senator KENNEDY. He has been an outstanding member of this task force team. No member of the task force contributed more to the work of this group than Senator KENNEDY. He has played an absolutely key role in the development of this legislation, through his own efforts and the efforts of his outstanding staff. He has been a leader for a lifetime on these issues, and I extend my deepest personal appreciation to him for his assistance and support.

I would also like to recognize Senator BAUCUS, who is on the floor. Senator BAUCUS who is an original cosponsor of this bill has been enormously helpful as well. He is a member of the Senate Finance Committee and has a special understanding of the financial aspects of this legislation. I thank Senator BAUCUS for his commitment and his leadership as well.

Let me conclude by thanking my staff who have worked very long hours to produce this legislation: Bob Van Heuvelen, my policy director and chief counsel; Tom Mahr who is the person on my staff who heads up all of the health issues who has worked incredibly hard and with great skill to craft this legislation; Monica Boudjouk who has spent many a long evening helping us to put together the many details of the proposal before us; and Mark Harsch, a fellow on my staff who has been enormously helpful as well.

I thank them all for their contributions, as well as the staff of the other task force members who put a great deal of time and effort into working to produce this bill. I thank them all.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from North Dakota is much too kind in his compliments of this Senator. The real credit goes to the Senator from North Dakota. We have seen many task forces appointed by various leaders on both sides of the aisle. I think we know that most task forces basically do their work. They meet, they have several meetings, and are earnest in trying to come up with a good solution assigned to them by the leader.

In this case, the Senator from North Dakota added new meaning to the definition of task force. First of all, they tasked; they worked very hard. I have not seen any effort since the days I have been in the Senate where a task force, a group worked so hard at so many meetings, called in so many outside experts in such a wide variety of fields to make sure they came up with a very solid, comprehensive, near bullet-proof proposal in an area that is as complicated as this, whether it is taxation issues, whether it is health issues, whether it is judicial issues, whatever they may be.

All of us who have any knowledge of the degree to which the Senator from North Dakota put this group together salute him. I have never seen anybody work as hard, as diligently and come up with such a fine product as the Senator from North Dakota. I hope that future task forces use his as a model, because if they do, the people of our country will be very, very well served, just as the Senator from North Dakota's task force has served America with his efforts and his work. He has done the best job of any Senator I have ever seen on any kind of task force or group effort trying to come up with a solution to a very complicated problem. Again, I salute him.

Mr. President, I ask unanimous consent that the following letters of support for the Healthy Kids Act be submitted into the RECORD following my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JOINT STATEMENT OF DRS. KOOP AND KESSLER ON THE CONRAD TASK FORCE BILL

''We have been working steadfastly with Republican and Democratic legislators to help fashion comprehensive tobacco legislation that will have the net effect of reducing the number of people who smoke and fundamentally changing the way the tobacco industry does business without granting them immunity or special concessions.

''The principles in the Conrad task force legislation track closely with the public health principles and goals outlined in the report of the Advisory Committee on Tobacco Policy and Public Health. It is a good step in a legislative process that we hope results in concrete, comprehensive public health measures to reduce the harm from smoking.

''We look forward to working with Sen. Conrad and all other members of the Congress to achieve these important public health goals.''

STATEMENT OF HUBERT H. HUMPHREY III, ATTORNEY GENERAL, STATE OF MINNESOTA

Re: Senator Kent Conrad's Healthy Kids Act, Wednesday, February 11, 1998

I commend Senator Conrad for his leadership of the Senate Democratic Tobacco Task Force in its efforts to address the number one public health issue of our day. The Healthy Kids Act, proposed by Senator Conrad today, is a monumental step forward in our efforts to advance public health and protest future generations of kids.

Senator Conrad's bill offers the best hope yet for saving our children from tobacco addiction, disease and death. It's a common sense approach that will reduce youth smoking rates dramatically and hold the tobacco industry accountable for results.

The bill's strong financial penalties against the industry for continuing to sell to kids creates a powerful economic incentive to reform this industry's conduct. And by giving the FDA full authority and oversight over the health hazards of tobacco, the tobacco industry's manipulation of nicotine to keep smokers addicted will finally come to an end.

This bill stands in stark contrast to the sweetheart deal proposed by the tobacco industry last summer. and it's because Senator Conrad and the Task Force asked the right question. Instead of asking ''what will the industry accept,'' Senator Conrad asked ''what is the right policy for the nation.'' And the result is a bill that gets it right for our children without giving this outlaw industry any special immunity that no other business in America enjoys.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, February 11, 1998.

Hon. KENT CONRAD,
U.S. Senate, Washington, DC.

DEAR SENATOR CONRAD: The National Association of Counties (NACo) is pleased to support your bill, the Healthy Kids Act. Not only does the legislation recognize the important health responsibilities counties assume in the nation's intergovernmental system, it also acknowledges the responsibilities they have for enforcing tobacco control ordinances. The bill is a very strong step forward for public health.

As we understand it, the Healthy Kids Act recognizes the unique and substantial tobacco-related health care costs counties incur separate from the states' costs. As you know, counties provide health care to individuals who have no private or federally subsidized insurance, such as Medicaid. Counties provide uncompensated care under general medical assistance programs; through their health facilities; and/or make payments to other facilities. Many also contribute directly to the non-federal share of Medicaid. A number of local governments filed suit against the tobacco industry prior to the June 1997 proposed settlement using these facts as a basis for part of their arguments.

We are also pleased to understand that county tobacco laws and enforcement activities would not be preempted by federal law under the bill. Counties must continue to be able to enact and enforce, with locally-determined remedies, local tobacco ordinances and penalties which are stronger than state or federal law.

Thank you again for your leadership on this issue. NACo looks forward to working with you to advance and refine the Healthy Kids Act.

Very Truly Yours,
RANDY JOHNSON,
President, NACo,
Hennepin County Commissioner.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, February 11, 1998.

Hon. KENT CONRAD,
U.S. Senate,
Washington, DC.

DEAR SENATOR CONRAD: The American Public Health Association (APHA), consisting of more than 50,000 public health professionals dedicated to advancing the nation's health, commends you for developing a comprehensive tobacco bill that is a significant step forward toward protecting public health, especially our nation's children and adolescents.

Your legislation addresses many priority issues for APHA and the public health community and we recognize that in these areas your bill provides stronger than the proposed settlement and many other current tobacco proposals in the Senate. APHA is particularly pleased with the following aspects of your tobacco bill:

Reaffirmation of FDA jurisdiction over tobacco products, especially the codification of the tobacco-related regulations promulgated this summer by the Secretary of Health and Human Services;

Preservation of state and local authority to impose stronger requirements, prohibitions, and other measures to control tobacco;

Creation of a national tobacco surveillance and evaluation program at the US Centers for Disease Control and Prevention to monitor patterns of tobacco use and assess the effectiveness of tobacco control efforts.

Requirement that tobacco control initiatives and programs funded under this bill utilize proven and effective methodologies;

Recognition that certain subpopulations, such as women and minorities, are disproportionately affected by tobacco products and calling for research to be conducted to study different effects of tobacco use on these groups;

Assistance to tobacco growers, their families, and communities;

Creation of an international code-of-conduct for tobacco companies to help protect children and adults in other countries from the dangers of tobacco products;

Support for international tobacco control efforts, including the funding of bilateral and multilateral assistance and the creation of a non-governmental organization to work with other NGOs abroad on tobacco control;

Ban on the use of taxpayer money to help promote U.S. tobacco products overseas;

Health care assistance to uninsured and underinsured individuals with financial hardship who suffer from tobacco-related illnesses and conditions;

Strengthen look-back provisions to ensure that tobacco companies are held accountable if adolescent smoking rates do not decrease;

No special legal protections for tobacco companies.

As you work with your Senate colleagues on moving tobacco legislation, we urge you to consider strengthening the public health title of the bill. Specifically, APHA advocates stronger involvement of the Centers for Disease Control and Prevention and state and local health departments in the myriad public health activities funded under this title, increased funding for the public health initiatives under this title, inclusion of additional public health tobacco use prevention and reduction initiatives such as environmental tobacco smoke education programs and research, and other public health and prevention focused efforts.

We are committed to working with you and your Senate colleagues from both sides of the aisle to ensure that the final tobacco control legislative vehicle is the strongest possible national tobacco policy. We appreciate your efforts to ensure the protection and promotion of public health and offer our assistance as you continue to work on this issue of critical global public health significance.

Sincerely,
RICHARD A. LEVINSON, MD, DPA,
Associate Executive Director,
Programs and Policy.

AMERICAN LUNG ASSOCIATION,
Washington, DC, February 11, 1998.

Hon. KENT CONRAD,
U.S. Senate, Washington, DC.

DEAR SENATOR CONRAD: The American Lung Association is pleased to endorse your tough tobacco legislation—The Healthy Kids Act. This is the legislation the American people have been demanding. It is not a deal for the tobacco industry. It is a promise to our children. We are grateful that you have made your legislative priority public health, not saving the tobacco industry.

Americans oppose special deals for Big Tobacco. This legislation reflects that sentiment and does not create unprecedented special protections for the tobacco industry.

Americans know that in their own communities they can pass even stronger public health laws than those passed at the federal level. This bill respects the rights of state and local governments to continue to pass strong measures.

This bill promises to create a solid national tobacco policy that will improve health. The American Lung Association believes that your approach will succeed.

Public opinion polling conducted recently for the American Lung Association and its medical section, the American Thoracic Society, found that voters overwhelmingly support (65% to 30%) the $1.50 per pack fee on cigarettes. Voters also support stiff penalties on tobacco companies if they continue to sell to our children (54% support a per pack penalty of $0.50 or more compared to 28% who want no penalty). The electorate opposes special protections for the tobacco industry (55% to 32%). Nearly seven out of ten voters (69% to 33%) want the tobacco companies to follow the same rules on marketing to children overseas as they do in the U.S. It is clear that your bill is in sync with the will of the American people.

The American Lung Association hopes that Congress will follow your lead—keep this

promise to our children—and enact the Healthy Kids Act into law.

Sincerely,

JOHN R. GARRISON,
CEO and Managing Director.

STATEMENT OF THE ENACT COALITION REGARDING THE INTRODUCTION OF THE HEALTHY KIDS ACT

(February 11, 1998) The ENACT coalition of major public health organizations applauds today's introduction of the Healthy Kids Act by Senator Conrad and his co-sponsors. We support a strong comprehensive approach and welcome this bill.

The Healthy Kids Act encompasses the key policies that ENACT has stated must be included in any effective tobacco control legislation. The bill contains strong and effective provisions regarding FDA authority over tobacco sales, manufacturing and advertising; significant price increases to deter use by kids; effective ''look-back'' penalties if sales to youth don't decrease; a vigorous crackdown on the illegal sale of tobacco to minors; protections from secondhand smoke; disclosure of tobacco industry documents; assistance to tobacco farmers; and support for efforts to reduce tobacco use internationally.

ENACT believes that only a comprehensive bill that meets our minimum criteria can adequately address the complex problem of tobacco use and reduce the number of kids who start using tobacco, and the number of adults who die each year.

We expect a number of additional proposals to be introduced in the House and Senate in the coming weeks. We will evaluate each of them, and those already introduced, for their adherence to the public health principles we have set forth. ENACT is committed to working with Senator Conrad and with Members of Congress from both parties to enact a comprehensive, bi-partisan, well-funded and sustainable tobacco control policy.

ENACT COALITION MEMBERS (FEBRUARY 11, 1998)

Allergy and Asthma Network—Mothers of Asthmatics, Inc.
American Academy of Child & Adolescent Psychiatry.
American Academy of Family Physicians.
American Academy of Pediatrics.
American Association for Respiratory Care.
American Association of Physicians of Indian Origin.
American Cancer Society.
American College of Cardiology.
American College of Chest Physicians.
American College of Occupational and Environmental Medicine.
American College of Physicians.
American College of Preventive Medicine.
American Heart Association.
American Medical Association.
American Psychiatric Association.
American Psychological Association.
American Society of Anesthesiologists.
American Society of Clinical Oncology.
American Society of Internal Medicine.
Association of American Medical Colleges.
Association of Black Cardiologists, Inc.
Association of Maternal and Child Health Programs.
Association of Schools of Public Health.
Campaign for Tobacco-Free Kids.
College on Problems of Drug Dependence.
Council of State & Territorial Epidemiologists.
Family Voices.
The HMO Group.
Interreligious Coalition on Smoking OR Health.
Latino Council on Alcohol & Tobacco.
National Association of Children's Hospitals.
National Association of County and City Health Officials.
National Association of Local Boards of Health.
National Hispanic Medical Association.
Oncology Nursing Society.
Partnership for Prevention.
Society for Public Health Education.
The Society for Research on Nicotine and Tobacco.
The Society of Behavioral Medicine.
Summit Health Coalition.

A number of the nation's major public health organizations have formed ENACT (Effective National Action to Control Tobacco). This growing coalition has pledged to work with the Congress, the Administration, the public health community and the American people to pass comprehensive, sustainable, effective, well-funded national tobacco control legislation.

STATEMENT BY THE COALITION FOR WORKERS' HEALTH CARE FUNDS SUPPORTING THE SENATE DEMOCRATIC TASK FORCE ''HEALTHY KIDS'' BILL

The Coalition for Workers' Health Care Funds represents some 2,500 union sponsored, multiemployer health and welfare funds which have brought class action law suits against the tobacco companies seeking reimbursement for their health care costs of tobacco-related diseases.

The Coalition believes that the legislation introduced by Senator Kent Conrad and Senator Tom Daschle on behalf of the Senate Democratic Tobacco Task Force is both sound and reasonable. It represents good public health policy, while at the same time protecting the civil justice rights of the multi-employer health & welfare community and others with claims against the tobacco companies.

We are particularly pleased that the legislation includes an adjustment assistance program for those tobacco workers who might be adversely effected by the legislation, and we encourage the sponsors to further develop this important program. Such assistance for workers is essential in light of the fact that for the past 18 years, the tobacco companies have engaged in a systematic corporate policy to downsize the workforce without assistance for its workers.

According to the ''Statistical Abstract of the Unite States 1997'' the tobacco industry has reduced its total employment by over 40% since 1980; from 69,000 in 1980 to 41,000 in 1996. Moreover, the ''Abstract'' projects that by 2005 the industry will have further reduced its U.S. employment to 26,000, for an overall reduction since 1980 of 62.4%. Absolutely none of this workforce reduction has been due to a profit decline for the industry since, again according to the ''Abstract'' the annual value of the domestic product has remained constant at about $35 billion. It is also no secret that the U.S. tobacco manufactures have been moving production facilities overseas. All of this occurred long before any ''Tobacco settlement'' was ever negotiated or anticipated. It is the direct result of the same corporate strategy that we have witnessed in industry after industry; from machine tools and electrical equipment to textiles and semi-conductors. In their effort to maximize profits American corporations have closed manufacturing facilities in the U.S. and moved to countries with the lowest wages and least labor protections.

Employment in the Tobacco Industry

In its effort to enact federal legislation to immunize itself from effective legal action, the tobacco industry has engaged in an attempt to economically ''blackmail'' the workers employed in the tobacco industry. The industry has argued that unless the tobacco deal, with immunity, is enacted that it will be forced to shut-down its operations in the United States and move production overseas.

The fact of the matter is that over the last 18 years, the industry has dramatically reduced employment by 40% and intends to continue this trend in the future.

The tobacco industry employment figures reproduced below are from the ''Statistical Abstract of the United States 1997'', the ultimate source of which is the industry itself.

All Employees—all products:	
1980	69,000
1990	49,000
1996	41,000
2005-(proj.)	26,000
Production Employees—all products:	
1980	54,000
1990	36,000
1996	31,000
All Employees—cigarettes:	
1980	46,000
1990	35,000
1996	28,000
Production Employees—cigarettes:	
1980	35,000
1990	26,000
1996	21,000

Notes:

1. These figures were prepared long before the announced ''Tobacco Settlement''.

2. Less than half of all tobacco production workers are represented by labor unions.

3. The Union sponsored labor-management health & welfare funds which have brought suit against the tobacco companies represent 30 million union workers, retirees and their families.

Source: Statistical Abstract of the United States, 1997, p. 416 & p. 425.

Mr. LAUTENBERG. Mr. President, I want to speak in strong support of the HEALTHY Kids Act, which was introduced by Senator CONRAD. Senator CONRAD chaired our tobacco task force, on which I served as vice chairman, and I thought, as did most on our side, that he did an incredibly thorough job in researching the issues and hearing from the various affected parties.

Mr. President, this bill today reflects the consensus of our task force. It is the vision of the Senate Democrats and has cosponsors from all sectors of the Democratic Party. Although some of us differ on certain specific points, all of us who are cosponsoring this legislation agree that this bill contains the right approach to tackling the devastating health problems that come from smoking cigarettes.

At the heart of this proposal is a per pack price increase of $1.50. This price increase will be phased in over three years and then indexed to inflation to maintain a deterrent effect on youth smoking.

I am particularly pleased, Mr. President, with this aspect of the HEALTHY Kids Act because it was adopted from a bill I introduced last year, the Public Health and Education Resource Act, which is S. 1343.

I believe now—as I did then—that if we are serious about reducing teen smoking, we have to increase the price swiftly and dramatically. It seems to have the most deterrent effect of all measures on youth because when the price goes up that far they cannot afford to pick up the habit, for which we are grateful.

This bill also includes much of the bill that Senator KENNEDY sponsored, and that I had the opportunity to support as a cosponsor, again representing the views of several of our Members to be included in this consensus package.

The focus of any tobacco legislation must be on improving the health of future generations of Americans, and this bill accomplishes that very clearly. In addition to funding various programs that will reduce teen smoking and benefit the well-being of children, it provides unfettered FDA jurisdiction. As the President has stated many times, full FDA power over these deadly products is essential.

Mr. President, as Ranking Member of the Budget Committee I am also pleased that this bill is consistent with the President's budget proposal. Both approaches recognize that comprehensive tobacco legislation requires a strong investment in America's children. Our approach keeps children away from this addictive product, improves their health, provides adequate child care and gives them a learning environment that fosters health and knowledge and progress.

That is a real investment in our children, and that is the focus of the Healthy Kids Act.

Mr. President, I often hear that we in Congress cannot pass any legislation that the tobacco industry does not first agree to support. They speak as if Big Tobacco has some sort of veto right over legislation affecting their industry.

I must tell you. I fail to find in the Constitution of the United States—or in any of the Senate rules—any provision that gives them the right to veto legislation. The Congress not only has a right—but a duty—to rein in on an industry that has been out of control targeting our children for addiction and lying about the dangerous nature of their products.

Mr. President, there has also been a great deal of talk about providing special protection against liability to this industry. First of all, one must question why in the world this industry, which has engaged in more corporate misconduct than any other, deserves unprecedented special protection from civil liability.

Secondly, this industry continues to this day to hide from the public critical information about tobacco's effect on our health. Congress shouldn't even consider limited civil liability protections until we have full and absolute disclosure from the companies. It is time for them to stop hiding behind false claims of privilege and come clean with the American people.

Mr. President, this bill, the Healthy Kids Act, presents Congress with a historic opportunity. I welcome, very sincerely, my friends from the other side of the aisle to cosponsor this bill, to work with us, as I know that they want to, to question perhaps the methodology or process. But I hope that won't stand in the way. We both want to save children's lives. We want to invest in their future. It has to be a bipartisan goal. I expect that many of our friends on the Republican side will join us at some point.

Mr. President, as can be expected in any omnibus legislation, some Senators will disagree on specific provisions of the bill. In fact, I have some reservations about certain provisions of this act, such as the secondhand smoke restrictions, which I believe could be tougher. But I ask all of my colleagues to keep their eye on the big picture—reducing tobacco's seductive grip on our kids.

Their target—it is very clearly understood—is to get 3,000 kids a day to start smoking because they know once you start it is hell to try and stop. And we don't want to permit them to get a grip on our children, on their lives, on their health, or on their habits.

So, Mr. President, I hope that we will be working together in a bipartisan way. We will make this happen if we can possibly do so. And I invite all of our colleagues to join us.

I yield the floor.

Mr. BINGAMAN. Mr. President, it is with great pleasure that I rise today to join Senator CONRAD and my other colleagues in introducing the HEALTHY Kids Act. I want to commend Senator CONRAD, and his staff, for their excellent work in formulating this legislation. I firmly believe that this legislation represents the opportunity to prevent nicotine addiction in children and youth.

The Congress has the truly historic opportunity this year to enact comprehensive legislation that will reduce access to and consumption of tobacco by our youth. Over the past few months, I have been part of the task force that helped consider the numerous issues involved in developing a comprehensive approach to address the public health issues that surround youth and tobacco. The HEALTHY Kids Act gives us a blueprint for reducing the terrible destruction that tobacco products have caused.

The Senate has a compelling interest to address the various issues raised by the tobacco settlement. The Office on Smoking and Health at the Centers for Disease Control and Prevention has determined that cigarettes kill more Americans that AIDS, alcohol, car accidents, murders, suicides, drugs, and fires combined.

Additionally, As the smoke screen erected by the tobacco companies begins to clear through numerous court proceedings, we now know what we have suspected all along: The targeting of our children has been a well planned, well orchestrated, and well financed conspiracy by these companies.

We have all seen the statistics. The Institute of Medicine finds that despite the market decline in adult smoking and the social disapproval of smoking, an estimated 3,000 young people become regular smokers every day. In my home state of New Mexico, roughly 33% of our youth in grades 9 through 12, smoke. Indeed, Mr. President, nationally, the prevalence of smoking by youth, has remained basically unchanged since 1980. If current tobacco use patterns in this nation persist, five million children currently alive today will die prematurely from a smoking related disease.

It is worth noting that lung cancer remains the leading cause of cancer death in the United States. All cancers caused by cigarette smoking can be prevented. Instead, according to CDC and Robert Wood Johnson, 170,000 Americans will lose their lives to tobacco related cancer this year. Preventing and reducing cigarette smoking are key to reducing illness and death. We must act now.

There will be myriad reasons put forth as to why we cannot or should not enact this legislation. There will be some who will say that Congress should not act at all. We have the opportunity and the obligation to enact legislation that will address the public health problems caused by tobacco products. The HEALTHY Kids Act gives us the chance to begin reversing the damage that has been done. It provides the vehicle for leadership that will be necessary to save our children. I hope that we will move, and move quickly without any more excuses, to enact this legislation.

Mr. KERREY. Mr. President, I am proud today to join with several of my colleagues in support of S. 1638, ''The Healthy Kids Act'', the tobacco bill crafted by Senator CONRAD and the Democratic Tobacco Task Force.

As you have heard many of our colleagues say, 3000 kids start smoking every day. One third of those will prematurely die from a tobacco-related disease. In Nebraska alone, 38 out of 100 high school kids currently smoke cigarettes and over 35,000 kids currently under the age of 18 will die prematurely from tobacco-related diseases.

This is simply unacceptable. And the job has fallen upon Congress to do something about it. Last summer, my colleagues and I were faced with the daunting task of putting together comprehensive tobacco legislation. Led by my very dedicated colleague Senator CONRAD from North Dakota, the Democratic Tobacco Task Force worked hard for nearly eight months to draft a bill that put our children's health first. This is exactly what The HEALTHY Kids Act does.

This bill puts the law on the side of our kids. Sometimes we pass laws and are unsure of their impact. This time we can be certain: If we pass this law it will save children's lives. Period.

Experts say that the way to get kids to quit smoking is to raise prices on cigarettes. The HEALTHY Kids Act does this.

This bill is projected to collect $78 billion in total revenue over the next five years. Among other things, this money will help improve our children's

health care, child care, and education; fund important medical research; take care of the farmers that were left out of the settlement negotiations; and some money will even go towards reducing the deficit and saving social security—which could perhaps be the greatest gift we could ever think about giving our children.

Mr. President, I close by saying that I look forward to working with Mr. CONRAD and others on passing this important legislation that correctly puts our children first.

By Mr. COVERDELL:

S. 1639. A bill to amend the Emergency Planning and Community Right-To-Know Act of 1986 to cover Federal facilities; to the Committee on Environment and Public Works.

THE FEDERAL FACILITIES COMMUNITY RIGHT-TO-KNOW ACT OF 1998

Mr. COVERDELL. Mr. President, I rise today to introduce legislation—The Federal Facilities Community Right-To-Know Act of 1998—which provides that the federal government is held to the same reporting requirements under the Emergency Planning and Community Right-To-Know Act (EPCRA) of 1986 as private entities. In 1986, Congress directed the Environmental Protection Agency (EPA) to establish a national inventory to inform the public about chemicals used and released in their communities. Since enactment of the Emergency Planning and Community Right-To-Know Act, manufacturers have been required to keep extensive records on how they use and store hazardous chemicals and report releases of hundreds of hazardous chemicals annually. EPA compiles the reported information into the Toxic Release Inventory (TRI).

The Toxic Release Inventory is a publicly available data base containing specific chemical release and transfer information from manufacturing facilities throughout the United States. The TRI is intended to promote planning for chemical emergencies and to provide information to the public regarding the presence and release of toxic and hazardous chemicals in their communities.

In August 1993, President Clinton signed Executive Order 12856, which required Federal facilities to begin submitting TRI reports beginning in calendar year 1994 activities. I commend President Clinton for taking this action. However, this executive order does not have the force of law and could be changed by a future Administration. The National Governors Association's policy on federal facilities states that ''Congress should ensure that federal and state ''right to know'' requirements apply to federal facilities.'' My legislation simply amends the Emergency Planning and Community Right-To-Know Act to cover federal facilities. It is important for the Federal government to protect the environment and its citizens from hazardous substances. People living near federal facilities have the right to know what hazardous substances are being released into the environment by these facilities so they can better protect themselves and their children from these potential threats. It is my strong belief that federal facilities should be treated the same as private entities. My legislation attempts to moves us closer towards that goal.

By Mr. WELLSTONE (for himself and Mr. GRAMS):

S. 1640. A bill to designate the building of the United States Postal Service located at East Kellogg Boulevard in Saint Paul, Minnesota, as the ''Eugene J. McCarthy Post Office Building''; to the Committee on Governmental Affairs.

THE EUGENE J. MCCARTHY POST OFFICE BUILDING DESIGNATION ACT OF 1998

Mr. WELLSTONE. Mr. President, I rise today on behalf of myself and my colleague from Minnesota, Senator GRAMS, to introduce legislation which would designate the U.S. Post Office Building in downtown St. Paul, MN, as the ''Eugene J. McCarthy Post Office Building.'' In doing so, we join the entire Minnesota delegation in the U.S. House of Representatives in honoring a man who is of great importance to our state and our nation.

This building, which will bear the name of one of Minnesota's great statesmen, stands in Minnesota's capitol, a city represented by Senator McCarthy in the House and Senate for nearly a quarter of a century. When the 4th district, and later all of Minnesota, sent Senator McCarthy to Washington they sent a scholar as well as a legislator, and his service to our state and this nation has not been restricted to his tenure in Congress. He has touched lives as a teacher and author as well.

Mr. President, I am proud to know Eugene McCarthy and to follow in his footsteps as a Senator from Minnesota, as a progressive, and as a great believer in grassroots democracy. He is a person who not only articulated, but exercised, a politics of inclusion and who knows that a candidate's success is best built upon a foundation of individuals. While America has had many important leaders, very few have fought the battles Senator McCarthy has fought, very few have shown the commitment he has shown to effecting positive change for ordinary people, and very few can match his record as a man of peace.

Mr. President, it is an honor to extend my state's, and my country's, gratitude to Senator McCarthy with this designation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

(a) IN GENERAL.—The building of the United States Postal Service located at 180 East Kellogg Boulevard in Saint Paul, Minnesota, shall be known and designated as the ''Eugene J. McCarthy Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''Eugene J. McCarthy Post Office Building''.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1641. A bill to direct the Secretary of the Interior to study alternatives for establishing a national historic trail to commemorate and interpret the history of women's rights in the United States; to the Committee on Energy and Natural Resources.

THE WOMEN'S RIGHTS NATIONAL HISTORIC TRAIL ACT

Mr. MOYNIHAN. Mr. President, 1848 was one of the busiest years of the 19th Century in Europe. Everywhere kings were abdicating, ministers fleeing, mobs roving. In London, Karl Marx and Frederich Engels composed a pamphlet entitled Manifesto of the Communist Party. Revolution was all the rage. But the real revolution was taking place in a small brick chapel in a village in upstate New York where people had begun to think of a revolution unlike anything known—equal rights for women.

The American movement for women's rights began in Waterloo, New York nearly 150 years ago when five women met at the home of Jane and Richard Hunt. There, Elizabeth Cady Stanton of Seneca Falls, Mary Ann McClintock of Waterloo, Marta Coffin Wright of nearby Auburn, Lucretia Coffin Mott of Philadelphia and Mrs. Hunt planned the first women's rights convention held at the Wesleyan Chapel in Seneca Falls. It was also there that they wrote the ''Declaration of Sentiments,'' a document which can certainly be regarded as the Magna Carta of the women's movement. Modeled on our Declaration of Independence, the ''Declaration of Sentiments'' proclaimed that:

> All men and women are created equal: That they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness.

This unprecedented declaration called for broad societal changes aimed at eliminating discriminatory restrictions on women in all their spheres of life. A woman's right to a higher education, the right to own property and the right to retain her own wages—all these and more were proclaimed in this landmark document endorsed at the Seneca Falls Convention on July 19 and 20, 1848.

Perhaps most importantly, the convention was the catalyst for the 19th Amendment. There, Elizabeth Cady

Stanton made what was at the time a most radical proposal. She called for extending the franchise to women.

Ameila Bloomer, publisher of Lily, the first prominent women's rights newsletter, eloquently defended Stanton's call and articulated the importance of the vote:

In this country there is one great tribunal by which all theories must be tried, all principles tested, all measures settled: and that tribunal is the ballot box. It is the medium through which public opinion finally makes itself heard. Deny to any class in the community the right to be heard at the ballot-box and that class sinks at once into a state of slavish dependence, of civil insignificance, which nothing can save from becoming subjugation, oppression and wrong.

It was fully 72 years before the Nation heeded their call for the vote for women.

It took but 10 months in 1980, however, to establish a Women's Rights Historic Park at Seneca Falls and Waterloo, commemorating this call. Then-Senator Javits and I proposed a bill that created an historic park within Seneca Falls to commemorate the early beginnings of the women's movement and to recognize the important role Seneca Falls has played in the movement. The park consists of five sites: the 1840's Greek Revival home of Elizabeth Cady Stanton, organizer and leader of the women's rights movement; the Wesleyan Chapel, where the First Women's Rights Convention was held; Declaration Park with a 100 foot waterwall engraved with the Declaration of Sentiments and the names of the signers of Declaration; and the M'Clintock house, home of MaryAnn and Thomas M'Clintock, where the Declaration was drafted.

On June 27 last, my friend and colleague, Senator D'AMATO and I introduced S. Con. Res. 35, a resolution that urges the United States Postal Service to issue a commemorative postage stamp to celebrate the 150th anniversary of the Women's Rights Convention. It is only fitting that a stamp be issued commemorating this historic anniversary and highlighting the importance of continuing this struggle for equal rights and opportunity for women in areas such as health care, education, employment, and pay equity.

Today Senator D'AMATO and I, in concert with Representative LOUISE M. SLAUGHTER of Rochester, introduce legislation which would direct the Secretary of the Interior to study the development of a Women's Rights Historic Trail stretching from Boston, Massachusetts to Buffalo, New York.

Mr. President, the contributions made by women in that region are many. This is hallowed ground that needs to be celebrated. It would include such sites as the Susan B. Anthony House and voting place in Rochester; the Women's Rights National Historical Park; the National Women's Hall of Fame and the Elizabeth Cady Stanton House in Seneca Falls; the Harriet Tubman House and memorial in Auburn; and the Eleanor Roosevelt home in Hyde Park.

The women of Seneca Falls challenged America to social revolution with a list of demands that touched upon every aspect of life. Testing different approaches, the early women's rights leaders came to view the ballot as the best way to challenge the system, but they did not limit their efforts to this one issue. Fifty years after the convention, women could claim property rights, employment and educational opportunities, divorce and child custody laws, and increased social freedoms. By the early 20th century, a coalition of suffragists, temperance groups, reform-minded politicians, and women's social welfare organizations mustered a successful push for the vote.

Today Congress honors Lucretia Mott and Elizabeth Cady Stanton, along with Susan B. Anthony, as revolutionary leaders of the women's movement by placing a statue of them in the Capitol Rotunda next to statues of other leaders in our Nation's history such as George Washington, Abraham Lincoln, and Martin Luther King, Jr.

An historic trail would be a living monument to women's history, bringing to life the numerous pioneers so often left out of our textbooks. In ''The Ladies of Seneca Falls: The Birth of the Women's Rights Movement'', Miriam Gurko writes:

Most histories contain, if anything, only the briefest allusion to the woman's rights movement in the nineteenth century—perhaps no more than a sentence to include it in the general upsurge of reform. Here and there the name of a woman's rights leader might be mentioned, generally that of Susan B. Anthony, sometimes Elizabeth Cady Stanton. The rest might never have existed so far as the general run of historical sources is concerned.

One of the most important social forces of our time is women's struggle to achieve equality, and, as such, it is incumbent upon us to pay tribute to its many heroes.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Women's Rights National Historic Trail Act of 1998''.

SEC. 2. STUDY OF ALTERNATIVES FOR NATIONAL HISTORIC TRAIL TO COMMEMORATE AND INTERPRET HISTORY OF WOMEN'S RIGHTS IN THE UNITED STATES.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service (referred to in this section as the ''Secretary''), shall conduct a study of alternatives for establishing a national historic trail commemorating and interpreting the history of women's rights in the United States.

(b) MATTERS TO BE CONSIDERED.—The study under subsection (a) shall include—

(1) consideration of the establishment of a new unit of the National Park System;

(2) consideration of the establishment of various appropriate designations for routes and sites relating to the history of women's rights in the United States, and alternative means to link those sites, including a corridor between Buffalo, New York, and Boston, Massachusetts;

(3) recommendations for cooperative arrangements with State and local governments, local historical organizations, and other entities; and

(4) cost estimates for the alternatives.

(c) STUDY PROCESS.—The Secretary shall—

(1) conduct the study with public involvement and in consultation with State and local officials, scholarly and other interested organizations, and individuals;

(2) complete the study as expeditiously as practicable after the date on which funds are made available for the study; and

(3) on completion of the study, submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings and recommendations of the study.

By Mr. GLENN (for himself, Mr. THOMPSON, Mr. LEVIN, Mr. LIEBERMAN, and Mr. AKAKA):

S. 1642. A bill to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public; to the Committee on Governmental Affairs.

THE FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT ACT

Mr. GLENN. Mr. President, I rise today to introduce the Federal Financial Assistance Management Improvement Act of 1998—legislation designed to improve the efficiency and effectiveness of Federal financial assistance and grant-in-aid programs.

According to the Advisory Commission on Intergovernmental Relations, there are over 600 different Federal grant programs to state and local governments and other service providers. Not only is that a large number of programs in the aggregate, we also have an abundance of separate grant programs even in areas where only one general purpose is being served. For example, in the budget subfunction of social services alone, there are over 80 different Federal grant programs. In elementary and secondary education, there are a similar number of Federal programs.

Almost all of these different grant programs serve worthy goals and purposes. However, they inevitably carry with them separate redtape, regulations, and procedures that frustrate those at the state, local and nonprofit level who must coordinate the services and carry out the responsibilities in all these separate programs. Furthermore, in many of these grant programs, ''getting out the money'' is the primary emphasis. Administrative performance and efficiency are a secondary emphasis, or in some cases not emphasized at all, so we have little understanding at any level of government how well the

programs are actually working. Part of this problem stems from the fact that the money passes through 3 sometimes 4 different sets of hands before it reaches its intended beneficiaries. So it's hard to know where responsibility lies when it comes to making sure that the money is spent efficiently, properly and in a way to maximize the goals and objectives of the underlying program.

We've been working for several years in the Governmental Affairs Committee on ways to cut Federal redtape while improving performance. We tried to reduce Federal burdens with enactment of the Paperwork Reduction Act and Unfunded Mandates Reform Act, while strengthening the effectiveness of Federal programs with the Government Performance Results Act.

This bill builds on those initiatives. It requires that Federal agencies develop plans that, among other things: establish uniform applications for related grant programs; develop common rules for Federal requirements that cut across multiple grant programs; and, emphasize use of electronic reporting via the Internet. Agencies would have 18 months to develop their plans, with OMB overseeing their development. They would work closely with state and local governments and the nonprofit community in the setting of performance measures to achieve the bill's goals. The bill sunsets in 5 years following a review by the National Academy of Public Administration.

Americans want government services to work better. But they also want government to live within its means, to balance its books. In other words, they want more cost-effective government, and that's at all levels. I believe this bill helps lead us in that direction. I'm pleased that Chairman THOMPSON, along with Senators LEVIN, LIEBERMAN, and AKAKA, have joined me cosponsoring the bill and I look forward to considering it in the Governmental Affairs Committee.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE.

This Act may be cited as the ''Federal Financial Assistance Management Improvement Act of 1998''.

SEC. 2. FINDINGS.

Congress finds that—

(1) there are over 600 different Federal financial assistance programs to implement domestic policy;

(2) while the assistance described in paragraph (1) has been directed at critical problems, some Federal administrative requirements may be duplicative, burdensome or conflicting, thus impeding cost-effective delivery of services at the local level;

(3) State, local, and tribal governments and private, nonprofit organizations are dealing with increasingly complex problems that require the delivery and coordination of many kinds of services; and

(4) streamlining and simplification of Federal financial assistance administrative procedures and reporting requirements will improve the delivery of services to the public.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) improve the effectiveness and performance of Federal financial assistance programs;

(2) simplify Federal financial assistance application and reporting requirements;

(3) improve the delivery of services to the public; and

(4) facilitate greater coordination among those responsible for delivering such services.

SEC. 4. DEFINITIONS.

In this Act:

(1) COMMON RULE.—The term ''common rule'' means a government-wide uniform rule for any generally applicable requirement established to achieve national policy objectives that applies to multiple Federal financial assistance programs across Federal agencies.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(3) FEDERAL AGENCY.—The term ''Federal agency'' means any agency as defined under section 551(1) of title 5, United States Code.

(4) FEDERAL FINANCIAL ASSISTANCE PROGRAM.—The term ''Federal financial assistance program'' means a domestic assistance program (as defined under section 6101(4) of title 31, United States Code) under which financial assistance is available, directly or indirectly, to a State, local, or tribal government or a qualified organization to carry out activities consistent with national policy goals.

(5) LOCAL GOVERNMENT.—The term ''local government'' means—

(A) a political subdivision of a State that is a unit of general local government (as defined under section 6501(10) of title 31, United States Code);

(B) any combination of political subdivisions described in subparagraph (A); or

(C) a local educational agency as defined under section 14101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(18)).

(6) QUALIFIED ORGANIZATION.—The term ''qualified organization'' means a private, nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

(7) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, and the Virgin Islands.

(8) TRIBAL GOVERNMENT.—The term ''tribal government'' means the governing entity of an Indian tribe, as that term is defined in the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 5. DUTIES OF THE DIRECTOR.

(a) IN GENERAL.—The Director, in consultation with agency heads, shall direct, coordinate, and assist Federal agencies in establishing—

(1) a uniform application, or set of uniform applications, to be used by an applicant to apply for assistance from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies;

(2) ways to streamline and simplify Federal financial assistance administrative procedures and reporting requirements for grantees;

(3) a uniform system wherein an applicant may apply for, manage, and report on the use of, funding from multiple Federal financial assistance programs across different Federal agencies;

(4) a process for applicants to electronically apply for, and report on the use of, funds from Federal financial assistance programs;

(5) use of common rules for multiple Federal financial assistance programs across different Federal agencies;

(6) improved interagency and intergovernmental coordination of information collection and sharing of data pertaining to Federal financial assistance programs, including the development of a release form to be used by grantees to facilitate the sharing of information across multiple Federal financial assistance programs;

(7) a process to strengthen the information resources management capacity of State, local, and tribal governments and qualified organizations pertaining to the administration of Federal financial assistance programs; and

(8) specific annual goals and objectives to further the purposes of this Act.

(b) ACTIONS CONSISTENT WITH STATUTORY REQUIREMENTS.—The actions taken by the Director under subsection (a) shall be consistent with statutory requirements relating to any applicable Federal financial assistance program.

(c) LEAD AGENCY AND WORKING GROUPS.—The Director may designate a lead agency to assist the Director in carrying out the responsibilities under this section. The Director may use interagency working groups to assist in carrying out such responsibilities.

(d) REVIEW OF PLANS AND REPORTS.—

(1) IN GENERAL.—The Director shall—

(A) review agency plans and reports developed under section 6 for adequacy;

(B) monitor the annual performance of each agency toward achieving the goals and objectives stated in the agency plan; and

(C) ensure that each agency plan does not diminish standards to measure performance and accountability of financial assistance programs.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Director shall report to Congress on implementation of this section. Such a report may be included as part of any of the general management reports required under law.

(e) EXEMPTIONS.—

(1) IN GENERAL.—The Director may exempt any Federal agency from the requirements of this Act if the Director determines that the agency does not have a significant number of Federal financial assistance programs.

(2) AGENCIES EXEMPTED.—Not later than November 1 of each fiscal year, the Director shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives—

(A) a list of each agency exempted under this subsection in the preceding fiscal year; and

(B) an explanation for each such exemption.

(f) GUIDANCE.—Not later than 120 days after the date of enactment of this Act, the Director shall issue guidance to Federal agencies on implementation of the requirements of this Act. Such guidance shall include a statement on the common rules that the Director intends to review and standardize under this Act.

SEC. 6. DUTIES OF FEDERAL AGENCIES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, each Federal agency shall develop and implement a plan that—

(1) streamlines and simplifies the application, administrative, and reporting procedures for each financial assistance program administered by the agency;

(2) demonstrates active participation in the interagency process required the applicable provisions of section 5(a);

(3) demonstrates agency use, or plans for use, of the uniform application (or set of applications) and system developed under section 5(a) (1) and (3);

(4) designates a lead agency official for carrying out the responsibilities of the agency under this Act;

(5) allows applicants to electronically apply for, and report on the use of, funds from the Federal financial assistance program administered by the agency;

(6) strengthens the information resources management capacity of State, local and tribal governments and qualified organizations pertaining to the administration of the financial assistance program administered by the agency; and

(7) in cooperation with State, local, and tribal governments and qualified organizations, establishes specific annual goals and objectives to further the purposes of this Act and measure annual performance in achieving those goals and objectives.

(b) PLAN CONSISTENT WITH STATUTORY REQUIREMENTS.—Each plan developed and implemented under this section shall be consistent with statutory requirements relating to any applicable Federal financial assistance program.

(c) COMMENT AND CONSULTATION ON AGENCY PLANS.—

(1) COMMENT.—Each Federal agency shall publish the plan developed under subsection (a) in the Federal Register and shall receive public comment on the plan through the Federal Register and other means (including electronic means). To the maximum extent practicable, each Federal agency shall hold public hearings or related public forums on the plan.

(2) CONSULTATION.—The lead official designated under subsection (a)(4) shall consult regularly with representatives of State, local and tribal governments and qualified organizations during development of the plan. Consultation with representatives of State, local, and tribal governments shall be in accordance with section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534).

(d) SUBMISSION OF PLAN.—Each Federal agency shall submit the plan developed under subsection (a) to the Director and Congress and report annually thereafter on the implementation of the plan and performance of the agency in meeting the goals and objectives specified under subsection (a)(7). Such a report may be included as part of any of the general management reports required under law.

SEC. 7. EVALUATION.

(a) IN GENERAL.—The Director (or the lead agency designated under section 5(c)) shall contract with the National Academy of Public Administration to evaluate the effectiveness of this Act. Not later than 4 years after the date of enactment of this Act the evaluation shall be submitted to the lead agency, the Director, and Congress.

(b) CONTENTS.—The evaluation under subsection (a) shall—

(1) assess the effectiveness of this Act in meeting the purposes of this Act and make specific recommendations to further the implementation of this Act;

(2) evaluate actual performance of each agency in achieving the goals and objectives stated in agency plans; and

(3) assess the level of coordination and cooperation among the Director, Federal agencies, State, local, and tribal governments, and qualified organizations in implementing this Act.

SEC. 8. EFFECTIVE DATE AND SUNSET.

This Act shall take effect on the date of enactment of this Act and shall cease to be effective on and after 5 years after such date of enactment.

By Mr. KENNEDY (for himself, Mr. JEFFORDS, Mr. KERRY, and Mr. LEAHY):

S. 1643. A bill to amend title XVIII of the Social Security Act to delay for one year implementation of the per beneficiary limits under the interim payment system to home health agencies and to provide for a later base year for the purposes of calculating new payment rates under the system; to the Committee on Finance.

MEDICARE AND HOME HEALTH CARE LEGISLATION

Mr. KENNEDY. Mr. President, the home health benefit available under Medicare plays a significant role in allowing elderly beneficiaries to remain in their homes and in their community. Those who use the home health benefit are among the most vulnerable Medicare beneficiaries. More than 40 percent have incomes below $10,000. One in three live alone, and two-thirds are over age 75.

In recent years, the cost of the home health benefit has been one of the fastest growing parts of Medicare. While the vast majority of this growth is attributable to a legitimate increase in home health care as patients are moved out of the hospital more quickly, some portion is known to be due to fraud. As a result, Congress enacted provisions on this spending as a part of the Balanced Budget Act of 1997. Unfortunately, it now appears that some of the restrictions will operate in a way that penalizes providers unfairly and jeopardizes their ability to continue to offer these vital services for the elderly.

In order to address these issues, I am introducing legislation to delay the effective date of one provision, and to change the base year that will be used to calculate future home health payments. Congressman McGovern is introducing similar legislation in the House of Representatives.

The problem with the current law is especially serious in New England. Home health agencies throughout the region generally provide care for less cost than the national average. For example, the average Medicare payment per home health visit in Massachusetts in 1995 was 19 percent below the national average. These programs are effective. They provide high quality home health care and help people to remain in the community and out of hospitals and nursing homes. And they do so in a cost-efficient manner. Nevertheless, the Home & Health Care Association of Massachusetts estimates that the provisions of the Balanced Budget Act of 1997 could result in a loss of 1.5 million home health visits—a 20 percent reduction—this year. Under the Act, Massachusetts and other states that provide high quality care efficiently and at lower rates are at a disadvantage, whereas inefficient providers are permitted to lock in higher rates.

One of the most questionable effects of the Act requires home health agencies to comply with ''per beneficiary caps'' before the federal government tells them what the caps are. The bill I am introducing delays the effective date of the caps until October 1, 1998, to allow time for agencies to adjust to forthcoming, essential guidance from the Health Care Financing Administration.

In addition, this bill moves up the year—from 1994 to 1995—that will be used to calculate payments for 1998 and beyond. This change means that payments will more accurately reflect the type of home care that is currently delivered.

The problem facing home health patients and agencies is substantial. Congress should address this issue now, before home health agencies that provide needed services are unfairly forced out of business, and before senior citizens are forced to go without necessary care or leave their homes for more expensive hospital care or nursing home care. The provisions of the Balanced Budget Act should be modified to avoid these unfortunate and unnecessary problems.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DELAY OF PER BENEFICIARY LIMITS UNDER INTERIM PAYMENT SYSTEM AND CHANGE OF BASE YEAR.

(a) DELAY IN PER BENEFICIARY LIMITS UNDER INTERIM PAYMENT SYSTEM.—

(1) IN GENERAL.—Section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)), as amended by section 4602 of the Balanced Budget Act of 1997, is amended in clauses (v) and (vi) by striking ''October 1, 1997,'' each place it appears and inserting ''October 1, 1998,''.

(2) CONFORMING AMENDMENTS.—Section 1861(v)(1)(L)(vii) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(vii)), as added by section 4602(c) of the Balanced Budget Act of 1997, is amended—

(A) by striking ''April 1, 1998,'' and inserting ''August 1, 1998,''; and

(B) by striking ''fiscal year 1998'' and inserting ''fiscal year 1999''.

(b) CHANGE IN BASE YEAR.—Section 1861(v)(1)(L)(v)(I) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(v)(I)) is amended by striking ''ending during fiscal year 1994'' each place it appears and inserting ''ending during fiscal year 1995 or, at the election of the agency, calendar year 1995''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply as if included in the enactment of the Balanced Budget Act of 1997.

Mr. JEFFORDS. Mr. President, today, I am introducing legislation with my colleague Senator KENNEDY that will improve the implementation of the interim payment system to home health agencies established under the Balanced Budget Act of 1997. It is imperative that we protect access

to care for our most vulnerable populations—the elderly and the disabled. While I support the move to a prospective payment system for home care under the Balanced Budget Act, the payment system designed for the interim period is proving to be an intolerable burden for the home health agencies that serve Vermont's Medicare beneficiaries.

This bill would do two things to remove the current threat to quality home care. First, the bill delays the implementation of the interim payment system for one year. This will minimize its impact on agencies as a prospective payment system is put in place. Second, the base year for establishing per patient limits will shift from the current designation of fiscal year 1994, to either fiscal or calendar year 1995. Care rendered in 1995 is a better reflection of the current mix of patients—and it captures the deterrent effect of Operation Restore Trust on fraud and abuse in areas where cost was inflated.

My own State of Vermont is a good example of how the health care system can work to provide for high quality care for Medicare beneficiaries. Home health agencies are a critical link in the kind of health system that extends care over a continuum of options and settings. New technology and advances in medical practice permit hospitals to discharge patients earlier. They give persons suffering with acute or chronic illness the opportunity to receive care and live their lives in familiar surroundings. Time and time again, Vermont's home health agencies have proven their value by providing quality, cost-effective services to these patients. Yet time and again, federal policy seems to ensure that their good deeds should go punished.

Furthermore, Vermont home health agencies have been able to provide quality service while consistently maintaining the lowest per capital reimbursement rates for home care in the country. The average Medicare payment per patient in Vermont is approximately $3,000 per year, one third lower than the national average, and far less than in high costs states where payments rise as high as $7,900 per patient per year. Now, Vermont agencies face a interim payment system established under the Balanced Budget Act of 1997 that is based on historical cost. Instead of being rewarded for their good work, Vermont agencies will have a much lower per patient limit under Medicare than agencies in high cost areas. According to a January 7 article in the Wall Street Journal, Vermont's 13 agencies could lose over $2 million next year by continuing to do what they always have done—providing efficient and essential services.

Since the impact of the interim payment system became apparent, I have been in continuous contact with the Vermont Assembly of Home Health Agencies; the Vermont Agency of Human Services; and directors, trustees, employees, and patients of nearly every home health agency in the state. I firmly believe we must act to guard the health and welfare of a particularly vulnerable segment of the population. This legislation will help ensure that our home health care infrastructure is able to continue serving the patients that rely upon them.

By Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, Ms. MIKULSKI, Mr. CONRAD, Mr. AKAKA, Mr. LEVIN, Mr. KERRY, Mr. JOHNSON, Mr. TORRICELLI, Mr. KERREY, and Mr. HOLLINGS):

S. 1644. A bill to amend subpart 4 of part A of title IV of the Higher Education Act of 1965 regarding Grants to States for State Student Incentives; to the Committee on Labor and Human Resources.

THE LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP ACT

Mr. REED. Mr. President, I rise to introduce legislation with my Republican colleague on the Labor and Human Resources Committee, Senator SUSAN COLLINS, as well as Senators KENNEDY, MURRAY, DODD, MIKULSKI, CONRAD, LEVIN, AKAKA, KERRY, JOHNSON, TORRICELLI, KERREY, and HOLLINGS to reform and reauthorize an important student aid program, the State Student Incentive Grant program or SSIG.

Last fall, I was pleased to join forces with Senator COLLINS to lead the fight to restore funding for SSIG on an 84 to 4 vote.

This program provides funding on the basis of a dollar for dollar match to help states provide need-based financial aid in the form of grants and community service work study awards to 700,000 students nationwide, and 13,000 students from my home state of Rhode Island. Grants are targeted to the neediest undergraduate and graduate students.

As I noted last fall during the debate on the Labor, Health and Human Services, and Education Appropriations bill, many states would not have established or maintained their need-based financial aid programs without this important federal incentive. Moreover, students, searching for sources of need-based grants to make their higher education dreams a reality, have come to rely on SSIG.

Indeed, the importance of SSIG has increased over the years as skyrocketing college costs have eroded the purchasing power of the Pell Grant, and as the grant-loan imbalance widens. Twenty-three years ago, 80 percent of student aid came in the form of grants and 20 percent in the form of loans. Today the opposite is true, and students face significant debt upon graduation.

In addition, low-income students are still finding it particularly hard to afford higher education. Less than 50% of high school graduates with incomes under $22,000 go to college, while more than 80% of their higher income counterparts pursue education beyond high school.

To address these trends and ensure that needy students have alternatives to borrowing, SSIG must be strengthened during the upcoming reauthorization of the Higher Education Act. The legislation we introduce today, the Leveraging Educational Assistance Partnership (LEAP) Act, does this by reauthorizing and making significant reforms to the SSIG program.

The LEAP Act provides states greater incentives and flexibility to help needy students attend college. Our legislation creates a two-tier grant program. Any funds appropriated over a trigger level of funding—$35 million—would require an increased state match of two new dollars for every federal dollar. However, states would gain new flexibility to use these funds for activities such as increasing grant amounts or carrying out academic or merit scholarship programs, community service programs, early intervention, mentorship, and career education programs, secondary to postsecondary education transition programs, or scholarship programs for students wishing to enter the teaching profession.

These improvements restore the incentive nature of the program by attracting more state funds for student aid and providing greater flexibility for the use of these funds, while not disenfranchising states that can only match according to the current 1-to-1 requirement.

The LEAP Act is supported by students, educators, and student aid officials, including the National Association of State Student Grant and Aid Programs (NASSGAP), the National Association of Independent Colleges and Universities (NAICU), the American Council on Education (ACE), the American Association of State Colleges and Universities (AASCU), the United States Public Interest Research Group (USPIRG), the United States Student Association (USSA), and the National Association of Graduate-Professional Students.

Mr. President, I believe we should help all our citizens achieve the American Dream and ensure access to higher education, especially for hard working families whose wages have not kept up with inflation. I urge my colleagues to join us in this critical effort to strengthen federal-state student aid partnerships and our commitment to America's students.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1644

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Leveraging Educational Assistance Partnership Act''.

SEC. 2. LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 415A(b) of the Higher Education Act of 1965 (20 U.S.C. 1070c(b)) is amended—

(1) in paragraph (1), by striking ''1993'' and inserting ''1999'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) RESERVATION.—For any fiscal year for which the amount appropriated under paragraph (1) exceeds $35,000,000, the excess shall be available to carry out section 415E.''.

(b) SPECIAL LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.—Subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) is amended—

(1) by redesignating section 415E as 415F; and

(2) by inserting after section 415D the following:

''SEC. 415E. SPECIAL LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.

''(a) IN GENERAL.—From amounts reserved under section 415A(b)(2) for each fiscal year, the Secretary shall—

''(1) make allotments among States in the same manner as the Secretary makes allotments among States under section 415B; and

''(2) award grants to States, from allotments under paragraph (1), to enable the States to pay the Federal share of the cost of the authorized activities described in subsection (c).

''(b) APPLICABILITY RULE.—Except as otherwise provided in this section, the provisions of this subpart which are not inconsistent with this section shall apply to the program authorized by this section.

''(c) AUTHORIZED ACTIVITIES.—Each State receiving a grant under this section may use the grant funds for—

''(1) increasing the dollar amount of grants awarded under section 415B to eligible students who demonstrate financial need;

''(2) carrying out transition programs from secondary school to postsecondary education for eligible students who demonstrate financial need;

''(3) carrying out community service programs for eligible students who demonstrate financial need;

''(4) creating a scholarship program for eligible students who demonstrate financial need and wish to enter teaching;

''(5) carrying out early intervention programs, mentoring programs, and career education programs for eligible students who demonstrate financial need; and

''(6) awarding merit or academic scholarships to eligible students who demonstrate financial need.

''(d) MAINTENANCE OF EFFORT REQUIREMENT.—Each State receiving a grant under this section for a fiscal year shall provide the Secretary an assurance that the aggregate amount expended per student or the aggregate expenditures by the State, from funds derived from non-Federal sources, for the authorized activities described in subsection (c) for the preceding fiscal year were not less than the amount expended per student or the aggregate expenditures by the State for the activities for the second preceding fiscal year. The Secretary may waive this subsection for good cause, as determined by the Secretary.

''(e) FEDERAL SHARE.—The Federal share of the cost of the authorized activities described in subsection (c) for any fiscal year shall be 33⅓ percent.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) PURPOSE.—Subsection (a) of section 415A of the Higher Education Act of 1965 (20 U.S.C. 1070c(a)) is amended to read as follows:

''(a) PURPOSE OF SUBPART.—It is the purpose of this subpart to make incentive grants available to States to assist States in—

''(1) providing grants to—

''(A) eligible students attending institutions of higher education or participating in programs of study abroad that are approved for credit by institutions of higher education at which such students are enrolled;

''(B) eligible students for campus-based community service work-study; and

''(2) carrying out the activities described in section 415F.''.

(2) ALLOTMENT.—Section 415B(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1070c–1(a)(1)) is amended by inserting ''and not reserved under section 415A(b)(2)'' after ''415A(b)(1)''.

Mr. KERREY. Mr. President, it is with great pleasure that I cosponsor this important piece of legislation to help the very neediest of individuals obtain a college degree.

One of the most important goals that we can accomplish as legislators is to ensure that every American who is willing to work hard can go to college and have a shot at the American Dream. Yet we know that the cost of a college education is rising rapidly, and that can be an inhibitor for potential students.

By reauthorizing and reforming State Student Incentive Grants, the LEAP Act ensures that this important program continues to assist those students who otherwise may not be able to pursue higher education. Together with Pell grants they make it possible for low-income students to reach their potential and in turn become productive contributors in our increasingly knowledge-based economy.

This legislation restores to the SSIG program its incentive nature by giving states a reason to increase their investment in it. Any funds appropriated over $35 million would require an increased state match of two new dollars for every federal dollar. In return greater flexibility will be provided for the use of these extra funds. They can be used to increase grant awards or for other worthy activities such as carrying out academic or merit scholarship programs or career education programs.

Nebraska has been supportive of the SSIG program and has shown that support in its willingness to overmatch the federal contribution. However, with the decrease in appropriations from $50 million for fiscal year 1997 to $25 million for fiscal year 1998, the state will be able to assist approximately 500 fewer students. Seventy-one percent of Nebraska students who received an SSIG had a family income of $20,000 or less.

By lending further support to the SSIG program we can ensure that these 500 students and thousands of students across the nation do not fall between the cracks.

Mr. President, I am cosponsoring this bill today because it represents a good bipartisan effort to increase educational opportunities for those in greatest need of financial assistance. I look forward to moving it through Congress.

By Mr. ABRAHAM (for himself, Mr. LOTT, Mr. DEWINE, Mr. INHOFE, Mr. NICKLES, Mr. COVERDELL, Mr. HELMS, Mr. COATS, Mr. SESSIONS, Mr. ENZI, Mr. CRAIG, Mr. KYL, Mr. HATCH, Mr. FAIRCLOTH, Mr. BROWNBACK, Mr. SANTORUM, Mr. MCCONNELL, Mr. HUTCHINSON, Mr. BOND, and Mr. GRASSLEY):

S. 1645. A bill to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

THE CHILD CUSTODY PROTECTION ACT OF 1998

Mr. ABRAHAM, Mr. President. I rise today to introduce legislation protecting the most important relationship of all: that of parents and their children. All of us know that the family is the fundamental, crucial and indispensable basis of our civilization. Without strong families our children will grow up without role models, without a sound knowledge of how they ought to behave and for what they ought to strive. As a consequence, the data shows quite clearly that children deprived of strong family lives are more likely to suffer from depression, substance abuse, crime, violence, poverty and even suicide.

Yet, when it comes to one of the most important decisions in life, Mr. President, children are being kept from the guidance of their parents. I am talking, of course, about the decision whether or not to have an abortion. The American people recognize how crucial it is for minor children to involve their parents in this life-changing decision. 74 percent of Americans in a 1996 Gallup poll favored requiring minors to get parental consent for an abortion. People quite reasonably believe that parents should be involved in deciding whether their daughter should undergo an abortion. As the Supreme Court noted in *H.L.* v. *Matheson,* ''the medical, emotional, and psychological consequences of an abortion are serious and can be lasting; this is particularly so when the patient is immature.''

Convinced of the soundness of this reasoning, at least 22 states have enacted laws requiring consent of or notification to at least one parent, or authorization by a judge, before a minor can obtain an abortion. Unfortunately, this wise policy is being undermined.

Thousands of children every year are taken across state lines by people other than their parents to secure secret abortions. As we speak, Mr. President, abortion providers are taking out large advertisements in the Yellow Pages in cities like Harrisburg and Scranton, Pennsylvania, trumpeting the fact that their clinics, across the Pennsylvania state line, do not require parental notification as Pennsylvania

does. In essence, these abortion providers are encouraging people to circumvent Pennsylvania's parental notification law by crossing the border into New Jersey, New York or Maryland for a secret abortion.

And thousands of times every year this suggestion is taken up by non-related adults who want to circumvent the law. One example of this conduct made headlines recently. The case involved an 18 year old Pennsylvania man who got his 12 year old neighbor pregnant. Pennsylvania law requires parental consent prior to an abortion on a minor. To circumvent this law, Rosa Hartford, mother of the 18 year old, secretly took the girl to an abortion clinic in New York, a state with no parental notification requirement. Her actions discovered, Mrs. Hartford, whose son pled guilty to two counts of statutory rape, was convicted of interfering with the custody of a child.

The Center for Reproductive Law and Policy (CLRP), a prominent proabortion legal defense organization, appealed Mrs. Hartford's conviction on the grounds that she merely ''assisted a woman to exercise her constitutional rights'' and as such was herself protected from prosecution by the Constitution.

Mr. President, this reasoning cannot stand. To say that, because the court in *Roe* v. *Wade* declared most abortions constitutionally protected during the first trimester, that therefore minors have an absolute right to abortion without so much as notifying their parents, and that third parties—whatever their motives—have the right to secretly transport them across state lines for a secret abortion, is to stand constitutional protections on their head. It is to strip children to the natural protection of their parents.

For the sake of our children and our families, this must stop. We must uphold the law and uphold the family tie. That is why I am introducing the Child Custody Protection Act. This legislation is simple and straightforward. It will make it a federal offense to transport a minor across state lines with intent to avoid the application of a state law requiring parental involvement in a minor's abortion, or judicial waiver of such a requirement.

Children must receive parental consent for even minor surgical procedures, Mr. President. The profound, lasting physical and psychological effects of abortion demand that we help states guarantee parental involvement in the abortion decision. That means, at a minimum, seeing to it that outside parties cannot circumvent state parental notification and consent laws with impunity.

America is in the midst of a profound debate over the nature and status of abortion. But, even as many of us disagree over a number of crucial issues, we all should be able to agree that duly enacted laws must be upheld. Those who would undermine these laws in the name of unfettered abortion on demand damage the rule of law by subverting legitimate statutes. They also undercut our Constitutional liberties by stretching them beyond all rational bounds and using them to sap parental rights and family ties.

We can no more afford to allow state laws to be flouted than we can afford to allow family ties to be further undermined. For the sake of our families and our rule of law, I urge my colleagues to defend both by supporting the Child Custody Protection Act.

Mr. DEWINE. Mr. President, today I rise as a cosponsor of the Child Custody Protection Act sponsored by my colleague, Senator SPENCER ABRAHAM, to whom I am grateful for introducing this important legislation. The purpose of this legislation is to make it a crime to transport a child across state lines if this circumvents state law requiring parental involvement or a judicial waiver for a minor to obtain an abortion.

In a well-publicized case in Pennsylvania, a 12-year-old girl became pregnant after a sexual relationship with an 18-year-old man. As parental consent is required under Pennsylvania law before a minor can receive an abortion, the man's mother took the pregnant girl to New York for an abortion, where there is no such parental involvement law. The baby was aborted. The girl's mother did not consent to her daughter having an abortion; in fact, she did not even know her daughter was pregnant. Unfortunately, parents and guardians have no clear recourse when another adult circumvents the law of the state where the parent and child live by transporting a child to another state.

Twenty-two states have laws that require either notification or consent of a parent before a minor child receives an abortion. Currently, in my State of Ohio, a parent or guardian must be notified before a child receives an abortion. However, the State Legislature has recently passed a law requiring both parental consent and a face-to-face meeting with the doctor performing the abortion at least twenty-four hours before the procedure. Clearly, the citizens of Ohio have a compelling interest in making sure that parents are involved in a minor's decision to have an abortion, and that women have a full opportunity to consider the medical implications of their decision to abort an unborn child.

The right of citizens to pass and enforce laws regarding the rights of parents is completely abrogated by the ability of strangers to surreptitiously transport children to another state to obtain a surgical or drug-induced abortion. By introducing this bill, we are sending a clear message that *Roe* v. *Wade* does not confer a ''right'' on strangers to take one's minor daughter across state lines to obtain an abortion when the involvement of a parent or a court is required. In *H.L.* v. *Matheson*, the Supreme Court correctly stated, ''the medical, emotional, and psychological consequences of an abortion are serious and can be lasting; this is particularly so when the patient is immature.''

In my view that strangers should be barred from circumventing the rights of parents to be involved in life and death decisions faced by their children. I believe the vast majority of Americans will never want to relegate the well-being of our children to a situation where life-altering decisions are made without the guidance and support of caring parents.

By Mr. LAUTENBERG (for himself, Mr. TORRICELLI, and Mr. BUMPERS):

S. 1646. A bill to repeal a provision of law preventing donation by the Secretary of the Navy of the two remaining *Iowa*-class battleships listed on the Naval Vessel Register and related requirements; to the Committee on Armed Services.

THE HISTORIC BATTLESHIP PRESERVATION ACT

Mr. LAUTENBERG. Mr. President, I rise to introduce legislation to repeal a 1996 law that requires the Navy to maintain two antiquated battleships in its reserves, even though they will never again see even one more day of battle. This provision requires the Navy to maintain two *Iowa*-class battleships as mobilization assets, even though the Navy will never again rely on them to protect American interests.

The *Iowa*-class battleships were commissioned during World War II. They were built at the request of President Franklin Roosevelt to be the American Navy's fastest battleship, and their 16-inch guns were designed to pummel our adversaries' shores. There is no doubt that these battleships are of significant historical importance to the American military heritage. They represent America's pride in its Navy. They symbolize our admiration for those who worked so hard to build and serve aboard our battleships.

In 1995, the Navy determined that all four of the World War II era *Iowa*-class battleships in its arsenal—the USS *Iowa*, USS *New Jersey*, USS *Missouri*, and USS *Wisconsin*—were no longer essential to our national defense. Subsequently, the Navy struck these four ships from the Naval Vessel Register. The laws governing the disposal of ships stricken from the Register allow the Navy to donate these ships to states, local communities, and nonprofits for display as memorials and museums. Thus, in 1995, the Navy was set to begin the process of donating all four ships.

But the Senate Armed Services Committee disagreed with the Navy's decision to release these ships, the Committee included a provision in the fiscal year 1996 Defense Authorization Act mandating that the Navy maintain at least two of the *Iowa*-class battleships on the Naval Vessel Register. The Navy subsequently chose the USS *New Jersey* and the USS *Wisconsin* to comply

with this provision. The bill I am introducing today would repeal this requirement, enabling the Navy to once again strike these ships from the Register and make them available for donation to interested communities.

Mr. President, I hope the members of this distinguished body will approve my proposal to repeal this law. It makes sense from a national defense perspective. Navy Secretary Dalton has said that the Navy has no plans to reactivate these ships. In a recent letter to the Appropriations Committee, he wrote, ''the Navy does not intend to return the ships to service. . .'' They will never again fire their 16-inch guns to support an amphibious landing or operation ashore. They will never again serve as a platform for surface fire-support. Instead, they will only continue to sit, mothballed at Naval ports, awaiting a call to duty that they will never hear.

This bill also makes sense from a fiscal perspective. According to Navy estimates, the cost of maintaining these ships is approximately $200,000 per ship per year. To date, the Navy has already spent close to $1 million to mothball ships that will never again be reactivated for purposes of national defense. I see no sense in the federal government's paying for the Navy to keep ships ready for a war in which it will never call them to serve. The American taxpayer deserves a better deal.

Although these ships have been deactivated for good, they can still continue to be of immense public benefit. On the eve of the twenty-first century, many of our nation's waterfront cities are struggling to resurrect their economies. The federal government spends millions each year on projects to help revitalize blighted waterfront communities. Since the laws governing the disposal of former Navy assets allow their donation, we are presented with a unique opportunity to contribute to the economic development of our cities—at no further cost to the federal government. Many of our communities want to compete to berth a ship on their shores, as a museum and memorial, to anchor a waterfront development project. But the 1996 law is depriving these communities of a chance to undergo major revitalization efforts.

The citizens of New Jersey recognized the economic development potential of these battleships many years ago. My constituents have been preparing for the return of the USS *New Jersey* as the only *Iowa*-class battleship which may be berthed as an educational museum and memorial in her namesake state. Tens of thousands of volunteers have devoted countless hours to this long-standing, state-wide project. The New Jersey legislature created the Battleship New Jersey Commission, which has undertaken an ambitious fundraising effort to obtain the USS *New Jersey*. To date, the Commission has secured approximately $3 million for this effort through sales of a ''Battleship New Jersey'' license plate, a state income tax check-off, and private donations. But New Jersey's efforts are hamstrung by the 1996 law requiring the Navy to maintain the Iowa-class battleships on the Naval Vessel Register.

Repealing this law will have a threefold public benefit. First and most obvious, we will no longer need to provide funding in our defense budget for ships that will never be reactivated. This alone warrants the support of my proposal. Second, we will contribute to the economic development of our cities at no further cost to the federal government. And third, we will enable generations of Americans to honor the history of our battleships by facilitating their display as memorials and museums.

Forcing the Navy to keep the *Iowa*-class battleships ready for war is the equivalent of forcing NASA to keep the *Apollo* rockets ready to blast off into space. As we all know, the *Apollo* project was undertaken to send Americans to the moon. Will we ever want to send an American to the moon again? Probably—but not in an *Apollo* rocket. Even though advances in technology have rendered the *Apollos* relics of the American determination to succeed, their preservation at locations throughout the country allows the public to admire and appreciate their legacy. And NASA doesn't have to keep paying for them.

Mr. President, I look forward to working with the members of the Armed Services Committee to pass this bill. It is good for the American taxpayers and our national defense, and I hope my colleagues will join me in this effort.

Mr. President, I ask unanimous consent that the text of this bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Historic Battleship Preservation Act''.

SEC. 2. REPEAL OF REQUIREMENT FOR CONTINUED LISTING OF TWO IOWA-CLASS BATTLESHIPS ON THE NAVAL VESSEL REGISTER.

Section 1011 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 421) is repealed.

Mr. TORRICELLI. Mr. President, I rise today with Senator LAUTENBERG in introducing legislation that will make the dream of bringing the battleship U.S.S. *New Jersey* home to New Jersey a reality. I want to thank Senator LAUTENBERG for his hard work and commitment to this issue, and look forward to working with him to ensure that this symbol of freedom returns to her namesake-state in the near future.

The U.S.S. *New Jersey* is one of the most notable battleships in the Navy's history. She has been protecting and defending democracy since World War II in almost every region of the world. Launched on December 7, 1942, one year after the infamous attack on Pearl Harbor, the ship proceeded to the Pacific where she was involved in many historic campaigns, including the battles for the Marshalls, Marianas, Philippines, Iwo Jimo and Okinawa. A particular highlight of the *New Jersey*'s career was service as flagship for Commander Third Fleet, Admiral ''Bull'' Halsey, during the Battle of Leyte Gulf in October 1944.

Once the Japanese surrendered in 1945, the New Jersey settled into a peacetime routine, and was decommissioned in 1948. The ship was recommissioned in 1950 for the Korean war, in 1968 for Vietnam, and again in 1982 when former President Reagan ordered the re-activation of all four *Iowa*-class battleships as part of a massive naval buildup. In February 1991, because of end to the Cold War, another victory which she helped to secure, the *New Jersey* was decommissioned for a final time and is now in Bremerton, Washington.

Following the removal of the U.S.S. *New Jersey* from the Naval Vessel Register, the New Jersey legislature created the Battleship New Jersey Commission, which applied for donation of the ship to the State of New Jersey. The Commission, and tens of thousands of volunteers, have undertaken a massive fundraising effort to pay for the costs of transporting the U.S.S. *New Jersey* home, and have already secured approximately $3 million for this effort. Together with the people of our state, the Commission has been actively preparing for the return of the U.S.S. *New Jersey* as the only *Iowa*-class battleship which may be berthed as an educational museum and memorial in her namesake state.

None of this hard work and sacrifice will make a difference though, without the repeal of Section 1011 of the fiscal year 1996 Defense Authorization Act, which requires the Navy to maintain at least two of the *Iowa*-class battleships that have been stricken from the Naval Vessel Register. This provision was included to ensure that the Navy would have the necessary firepower to support Marine Corps' amphibious assaults and operations ashore. In accordance with this requirement, the Navy is currently maintaining the U.S.S. *New Jersey* and the U.S.S. *Wisconsin* and neither ship is available for distribution to the states.

However, the Navy does not want nor do they need these ships. It is my understanding that the Navy can effectively support the Marines through the use of other platforms, and does not require the U.S.S. *New Jersey* for this important task. Secretary Dalton has said that the Navy has no plans to reactivate these proud ships, and is forced to spend $200,000 per ship, per year to mothball ships that will never again be reactivated for the purposes of national defense.

Senator LAUTENBERG and I have also sent letters to Secretary Dalton and

the Senate Armed Services Committee regarding this matter, but have decided that the most effective way to proceed is with a legislative remedy. Our bill would eliminate Section 1011, and remove one of the last obstacles preventing the U.S.S. *New Jersey* from making the long journey home to our state.

During *New Jersey's* final decommissioning ceremony, her last commanding officer, Captain Robert C. Peniston remarked, ''Rest well, yet sleep lightly; and hear the call if again sounded, to provide firepower for freedom.'' It is only just that the U.S.S. *New Jersey* rest well in the welcome waters off the coast of her namesake state, and enjoy the company of the people that she fought so hard to protect throughout her time in the active duty fleet.

America is profoundly thankful for the service of the U.S.S. *New Jersey* and the patriotism of the courageous men and women who served aboard her. For the reasons I stand today to recognize the Battleship New Jersey Commission, and the generations of Americans who went to war with the U.S.S. *New Jersey*. I am proud to offer this legislation with Senator LAUTENBERG.

By Mr. BAUCUS (for himself, Ms. SNOWE, Mr. LIEBERMAN, Mr. KEMPTHORNE, Mr. DASCHLE, Mr. DODD, Mr. DURBIN, Mr. LAUTENBERG, Ms. COLLINS, Mr. JOHNSON, and Mr. KENNEDY) (by request):

S. 1647. A bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965; to the Committee on Environment and Public Works.

THE ECONOMIC DEVELOPMENT PARTNERSHIP ACT OF 1998

Mr. BAUCUS. Mr. President, I rise today to introduce a bill to reauthorize programs within the Economic Development Administration. It is with great pleasure that I am joined by my colleagues, Senators SNOWE, LIEBERMAN, KEMPTHORNE, DASCHLE, DODD, DURBIN, LAUTENBERG, COLLINS, JOHNSON, and KENNEDY.

Mr. President, programs under the jurisdiction of the Economic Development Administration have not been reauthorized for almost two decades. Despite the uncertainty and instability this has created, EDA has become the cornerstone for efforts to strengthen and diversify the economies of our nation's communities.

Since its inception in 1965, the EDA has established an impressive track record of helping communities help themselves. These ''bootstrap'' efforts have allowed communities to meet economic challenges in a variety of ways—making public works improvements to attract new businesses and providing technical assistance and planning grants that allow a community to plan for their future for example.

In my home state of Montana, EDA has been a powerful force in responding to the changing economic conditions in communities that have relied on one industry—only to see that industry shut down and move away. EDA's planning and public works assistance has allowed these communities to attract new companies, retain companies already in place and diversify their economies.

EDA has also been instrumental in responding to and assisting areas affected by natural disasters. In Florida and Louisiana, EDA was there to help businesses affected by the devastation of Hurricane Andrew. And EDA is still working with those areas of the Midwest devastated by the disastrous floods of 1993 and those areas recently impacted by floods in the Pacific Northwest.

The programs within the EDA have become even more critical to Congress' efforts to alleviate and address job losses due to the closure and realignment of military bases around the country.

The EDA's programs are effective tools that are used on the local level—working hand-in-hand with local governments and businesses to develop future economic investment strategies. By acting as a catalyst, economic development funds are used to attract significant private contributions and support.

Despite efforts to dismantle the EDA, the agency has matured in its approach to local economic development efforts. But the lack of authorization has not allowed Congress to make necessary changes to the statute and mission of the EDA. As with any program, there are some areas that are working well and other areas that need to be refined. The lack of authorization has left some aspects of EDA's programs outdated or unnecessary. That is why I am introducing this bill today—a bill to streamline and advance EDA's successful programs.

Mr. President, our country is faced with many challenges. Many of our communities are in economic transition and need to strengthen the diversity of their economies. We need to reauthorize EDA. It is high time we recognize the important role that EDA plays in the future of this country.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the CONGRESSIONAL RECORD, along with a brief section-by-section.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 1647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; EFFECTIVE DATE.

(a) SHORT TITLE.—This Act may be cited as the ''Economic Development Partnership Act of 1998''.

(b) EFFECTIVE DATE.—Except as otherwise expressly provided, the provisions of this Act and the amendments made by this Act shall take effect as determined by the Secretary of Commerce (hereinafter referred to as the Secretary), but not later than three months after the date of the enactment of this Act.

SEC. 2. REAUTHORIZATION OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965.

The Public Works and Economic Development Act of 1965 (42 U.S.C. 3131 *et seq.*) is amended by striking all after the first section and inserting the following:

''SEC. 2. FINDINGS AND DECLARATION.

''(a) FINDINGS.—Congress finds that—

''(1) the maintenance of the national economy at a high level is vital to the best interests of the United States, but that some of our regions, counties, and communities are suffering substantial and persistent unemployment and underemployment that cause hardship to many individuals and their families, and waste invaluable human resources;

''(2) to overcome this problem the Federal Government, in cooperation with the States, should help areas and regions of substantial and persistent unemployment and underemployment to take effective steps in planning and financing their public works and economic development;

''(3) Federal financial assistance, including grants for public works and development facilities to communities, industries, enterprises, and individuals in areas needing development should enable such areas to help themselves achieve lasting improvement and enhance the domestic prosperity by the establishment of stable and diversified local economies, sustainable development, and improved local conditions, if such assistance is preceded by and consistent with sound, long-range economic planning; and

''(4) under the provisions of this Act, new employment opportunities should be created by developing and expanding new and existing public works and other facilities and resources rather than by merely transferring jobs from one area of the United States to another, and by supporting firms and industries which add to the growth of the nation's economy through improved technology, increased exports, and the supply of goods and services to satisfy unmet demand.

''(b) DECLARATION.—Congress declares that, in furtherance of maintaining the national economy at a high level—

''(1) the assistance authorized by this Act should be made available to both rural and urban areas;

''(2) such assistance should be made available for planning for economic development prior to the actual occurrences of economic distress in order to avoid such condition; and

''(3) Such assistance should be used for long-term economic rehabilitation in areas where long-term economic deterioration has occurred or is taking place.

''TITLE I—ECONOMIC DEVELOPMENT PARTNERSHIPS COOPERATION AND COORDINATION

''SEC. 101. ESTABLISHMENT OF ECONOMIC DEVELOPMENT PARTNERSHIPS.

''(a) IN GENERAL.—In providing assistance under this Act, the Secretary shall cooperate with States and other entities to assure that, consistent with national objectives, Federal programs are compatible with and further the objectives of State, regional and local economic development plans and comprehensive economic development strategies.

''(b) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical assistance to States, local governmental subdivisions of States, sub-State regional organizations (including organizations which cross State boundaries, and multi-State regional organizations as the Secretary determines may be necessary or desirable to alleviate economic distress, encourage and support public-private partnerships for the formation and improvement of economic development strategies which promote the growth of the national economy, stimulate modernization

and technological advances in the generation and commercialization of goods and services, and enhance the effectiveness of American firms in the global economy.

''(c) INTERGOVERNMENTAL REVIEW.—The Secretary shall prescribe regulations which will assure that appropriate State and local governmental authorities have been given a reasonable opportunity to review and comment upon proposed projects which the Secretary determines may have a significant direct impact on the economy of the area.

''(d) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement with any two or more adjoining States, or an organization thereof, in support of effective economic development. Each such agreement shall provide for suitable participation by other governmental and nongovernmental parties representative of significant interests in and perspectives on economic development in the area.

''SEC. 102. COOPERATION OF FEDERAL AGENCIES.

''Each Federal department and agency, in accordance with applicable laws and within the limits of available funds, shall exercise its powers, duties and functions, and shall cooperate with the Secretary in such manner as will assist the Secretary in carrying out the objectives of this Act.

''SEC. 103. COORDINATION.

''The Secretary shall actively coordinate with other Federal programs, States, economic development districts, and other appropriate planning and development organizations the activities relating to the requirements for comprehensive economic development strategies and making grants under this Act.

''SEC. 104. NATIONAL ADVISORY COMMITTEE.

''The Secretary may appoint a National Public Advisory Committee on Regional Economic Development which shall consist of twenty-five members and shall be composed of representatives of labor, management, agriculture, State and local governments, Federal agencies, and the public in general. From the members appointed to such Committee the Secretary shall designate a Chairman. Such Committee, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary relative to the carrying out of the Secretary's duties under this Act, including the coordination of activities as provided in section 103. Such Committee shall hold not less than two meetings during each calendar year, and shall be governed by the provisions of the Federal Advisory Committee Act.

''TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

''SEC. 201. PUBLIC WORKS GRANTS.

''(a) Upon the application of any eligible recipient the Secretary may make direct grants for acquisition or development of land improvements for public works, public service, or development facility usage, and the acquisition, design and engineering, construction, rehabilitation, alteration, expansion, or improvement of such facilities, including related machinery and equipment.

''(b) The Secretary may provide assistance under this section only if the Secretary finds that—

''(1) the project for which financial assistance is sought will directly or indirectly—

''(A) tend to improve the opportunities, in the area where such project is or will be located, for the successful establishment or expansion of industrial or commercial plants or facilities;

''(B) otherwise assist in the creation of additional long-term employment opportunities of such area;

''(C) primarily benefit the long-term unemployed and members of low-income families; or

''(D) in the case of projects within areas described in section 302(a)(8), the project will enhance the economic growth potential of the area or result in additional long-term employment opportunities commensurate with the amount of Federal financial assistance requested;

''(2) the project for which a grant is requested will fulfill a pressing need of the area, or part thereof, in which it is, or will be, located; and

''(3) the area for which a project is to be undertaken has a satisfactory comprehensive economic development strategy as provided by section 303 and such project is consistent with such strategy.

''(c) In the case of an area described in section 302(a)(4), the Secretary may provide assistance only if the Secretary finds that the project to be undertaken will provide immediate useful work to unemployed and underemployed persons in that area.

''(d) Not more than 15 per centum of the appropriations made pursuant to this section may be expended in any one State.

''SEC. 202. CONSTRUCTION COST INCREASES.

''In any case where a grant (including a supplemental grant) has been made by the Secretary under this title or made, before the effective date of the Economic Development Partnership Act of 1998, under title I of this act, as in effect before such effective date, for a construction project and after such grant has been made but before completion of the project, the cost of such project based upon the designs and specifications which were the basis of the grant has been increased because of increases in costs, the amount of such grant may be increased by an amount equal to the percentage increase, as determined by the Secretary, in such costs, but in no event shall the percentage of the Federal share of such project exceed that originally provided for in such grant.

''SEC. 203. PLANNING AND ADMINISTRATIVE EXPENSES.

''(a) Upon the application of any eligible recipient the Secretary may make direct grants for economic development planning and the administrative expenses of organizations undertaking such planning.

''(b) The planning for cities, other political subdivisions, Indian tribes, and sub-State planning and development organizations (including areas described in section 302(a) and economic development districts) assisted under this title shall include systematic efforts to reduce unemployment and increase incomes.

''(c) The planning shall be a continuous process involving public officials and private citizens in analyzing local economies, defining development goals, determining project opportunities and formulating and implementing a development program.

''(d) The planning assistance authorized under this title shall be used in conjunction with any other available Federal planning assistance to assure adequate and effective planning and economical use of funds.

''(e) Any State plan prepared with assistance under this section shall be prepared cooperatively by the State, its political subdivisions, and the economic development districts located in whole or in part within such State, as a comprehensive economic development strategy. Upon completion of any such plan, the State shall (1) certify to the Secretary that in the preparation of the State plan, the local and economic development district plans were considered and, to the fullest extent possible, the State plan is consistent with the local and economic development district plans, and (2) identify any inconsistencies between the State plan and the local and economic development district plans, with the justification for each inconsistency. Any overall State economic development planning shall be a part of a comprehensive planning process that shall consider the provisions of public works to stimulate and channel development, economic opportunities and choices for individuals, to support sound land use, to foster effective transportation access, to promote sustainable development, to enhance and protect the environment including the conservation and preservation of open spaces and environmental quality, to provide public services, and to balance physical and human resources through the management and control of physical development. Each State receiving assistance for the preparation of a plan according to the provisions of this subsection shall submit to the Secretary an annual report on the planning process assisted under this subsection.

''SEC. 204. COST SHARING.

''Subject to section 205, the amount of any direct grant under this title for any project shall not exceed 50 percent of the cost of such project. In determining the amount of the non-Federal share of costs or expenses, the Secretary shall give due consideration to all contributions both in cash and in kind, fairly evaluated, including contributions of space, equipment, and services.

''SEC. 205. SUPPLEMENTARY GRANTS.

''(a) IN GENERAL.—Upon the application of any eligible recipient, the Secretary may make a supplementary grant for a project for which the applicant is eligible but, because of its economic situation, for which it cannot supply the required matching share. Included therein may be supplementary grants made to enable the States and other entities within areas described in section 302(a) to take maximum advantage of designated Federal grant-in-aid programs (as defined in subsection (b)(4) of this section), direct grants-in-aid authorized under this title, and Federal grant-in-aid programs authorized by the Watershed Protection and Flood Prevention Act (68 Stat. 666), and the 11 watersheds authorized by the Flood Control Act of December 22, 1944 (58 Stat. 887).

''(b) REQUIREMENTS APPLICABLE TO SUPPLEMENTARY GRANTS.—

''(1) AMOUNT OF SUPPLEMENTARY GRANTS.—The amount of any supplementary grant under this title for any project shall not exceed the applicable percentage established by regulations promulgated by the Secretary, but in no event shall the non-Federal share of the aggregate cost of any such project (including assumptions of debt) be less than 20 percent of such cost, except as provided in subsection (b)(6).

''(2) FORM OF SUPPLEMENTARY GRANTS.—Supplementary grants shall be made by the Secretary, in accordance with such regulations as the Secretary may prescribe, by increasing the amounts of direct grants authorized under this title or by the payment of funds appropriated under this act to the heads of the departments, agencies, and instrumentalities of the Federal Government responsible for the administration of the applicable Federal programs.

''(3) FEDERAL SHARE LIMITATIONS SPECIFIED IN OTHER LAWS.—Notwithstanding any requirement as to the amount or sources of non-Federal funds that may otherwise be applicable to the Federal program involved, funds provided under this subsection may be used for the purpose of increasing the Federal contribution to specific projects in areas described in section 302(a) under such programs above the fixed maximum portion of the cost of such project otherwise authorized by the applicable law.

''(4) DESIGNATED FEDERAL GRANT-IN-AID PROGRAMS DEFINED.—In this section, the term 'designated Federal grant-in-aid programs' means such existing or future Federal grant-in-aid programs assisting in the construction or equipping of facilities as the Secretary may, in furtherance of the purposes of this Act, designate as eligible for allocation of funds under this section.

''(5) CONSIDERATION OF RELATIVE NEED IN DETERMINING AMOUNT.—In determining the amount of any supplementary grant available to any project under this title, the Secretary shall take into consideration the relative needs of the area and the nature of the project to be assisted.

''(6) EXCEPTIONS.—In the case of a grant to an Indian tribe, the Secretary may reduce the non-Federal share below the percentage specified in subsection (b)(1) or may waive the non-Federal share. In the case of a grant to a State or a political subdivision of a State which the Secretary determines has exhausted its effective taxing and borrowing capacity, or of a grant to a nonprofit organization which the Secretary determines has exhausted its effective borrowing capacity, the Secretary may reduce the non-Federal share below the percentage specified in subsection (b)(1) or may waive the non-Federal share for (i) a project in an area described in section 302(a)(4), or (ii) a project the nature of which the Secretary determines warrants the reduction or waiver of the non-Federal share.

''SEC. 206. REGULATIONS TO ASSURE RELATIVE NEEDS ARE MET.

''The Secretary shall prescribe rules, regulations, and procedures to carry out this title which will assure that adequate consideration is given to the relative needs of eligible areas. In prescribing such rules, regulations, and procedures for assistance under section 201 the Secretary shall consider among other relevant factors—

''(1) the severity of the rates of unemployment in the eligible areas and the duration of such unemployment;

''(2) the income levels of families and the extent of underemployment in eligible areas; and

''(3) the out-migration of population for eligible areas.

''SEC. 207. TRAINING, RESEARCH, & TECHNICAL ASSISTANCE.

''(a) Upon the application of any eligible recipient the Secretary may make direct grants for training, research, and technical assistance, including grants for program evaluation and economic impact analyses, which would be useful in alleviating or preventing conditions of excessive unemployment or underemployment. Such assistance may include project planning and feasibility studies, demonstrations of innovative activities or strategic economic development investments, management and operational assistance, establishment of university centers, establishment of business outreach centers, and studies evaluating the needs of, and development potentialities for, economic growth of areas which the Secretary finds have substantial need for such assistance. The Secretary may waive the non-Federal share in the case of a project under this section, without regard to the provisions of section 204 or 205.

''(b) In carrying out the Secretary's duties under this Act, the Secretary may provide research and technical assistance through members of the Secretary's staff; the payment of funds authorized for this section to departments or agencies of the Federal Government; the employment of private individuals, partnerships, firms, corporations, or suitable institutions under contracts entered into for such purposes; or the award of grants under this title.

''SEC. 208. RELOCATION OF INDIVIDUALS AND BUSINESSES.

''Grants to eligible recipients shall include such amounts as may be required to provide relocation assistance to affected persons, as required by the Uniform Relocation Assistance and Real Property Acquisition Act 1970, as amended.

''SEC. 209. ECONOMIC ADJUSTMENT.

''(a) Upon the application of any eligible recipient the Secretary may make direct grants for public facilities, public services, business development (including a revolving loan fund), planning, technical assistance, training, and other assistance which demonstrably furthers the economic adjustment objectives of this Act, including activities to alleviate long-term economic deterioration, and sudden and severe economic dislocations.

''(b) The Secretary may provide assistance under this section only if the Secretary finds that—

''(1) the project will help the area meet a special need arising from—

''(A) actual or threatened severe unemployment arising from economic dislocation, including unemployment arising from actions of the Federal Government or from compliance with environmental requirements which remove economic activities from a locality; or

''(B) economic adjustment problems resulting from severe changes in economic conditions (including long-term economic deterioration); and

''(2) the area for which a project is to be undertaken has a satisfactory comprehensive economic development strategy as provided by section 303 and such project is consistent with such strategy. This subsection (b)(2) shall not apply to planning projects.

''(c) Assistance under this section shall extend to activities identified by communities impacted by military base closures, defense contractor cutbacks, and Department of Energy reductions, to help the communities diversify their economies. Nothing in this section is intended to replace the efforts of the economic adjustment program of the Department of Defense.

''(d) Assistance under this section shall extend to post-disaster activities in areas affected by natural and other disasters.

''SEC. 210. DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT.

''Amounts from grants under section 209 of this title may be used in direct expenditures by the eligible recipient or through redistribution by the eligible recipient to public and private entities in grants, loans, loan guarantees, payments to reduce interest on loan guarantees, or other appropriate assistance, but no grant shall be made by an eligible recipient to a private profit-making entity.

''SEC. 211. CHANGED PROJECT CIRCUMSTANCES.

''In any case where a grant (including a supplemental grant) has been made by the Secretary under this title (or made under this Act, as in effect on the day before the effective date of the Economic Development Partnership Act of 1998) for a project, and after such grant has been made but before completion of the project, the purpose or scope of such project which were the basis of the grant has changed, the Secretary may approve the use of grant funds on such changed project if the Secretary determines that such changed project meets the requirements of this title and that such changes are necessary to enhance economic development in the area.

''SEC. 212. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

''In any case where a grant (including a supplemental grant) has been made by the Secretary under this title (or made under this Act, as in effect on the day before the effective date of the Economic Development Partnership Act of 1998) for a construction project, and after such grant has been made but before completion of the project, the cost of such project based upon the designs and specifications which was the basis of the grant has decreased because of decreases in costs, such underrun funds may be used to improve the project either directly or indirectly as determined by the Secretary.

''SEC. 213. BASE CLOSINGS AND REALIGNMENTS.

''(a) LOCATION OF PROJECTS.—In any case in which the Secretary determines a need for assistance under this title due to the closure or realignment of a military or Department of Energy installation, the Secretary may make such assistance available for projects to be carried out on the installation and for projects to be carried out in communities adversely affected by the closure or realignment.

''(b) INTEREST IN PROPERTY.—Notwithstanding any other provision of law, the Secretary may provide to an eligible recipient any assistance available under this Act for a project to be carried out on a military or Department of Energy installation that is closed or scheduled for closure or realignment without requiring that the eligible recipient have title to the property or a leasehold interest in the property for any specified term.

''SEC. 214. PREVENTION OF UNFAIR COMPETITION.

''No financial assistance under this Act shall be extended to any project when the result would be to increase the production of goods, materials, or commodities, or the availability of services or facilities, when there is not sufficient demand for such goods, materials, commodities, services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprises.

''SEC. 215. REPORTS BY RECIPIENT.

''Reports to the Secretary shall be required of recipients of assistance under this Act. Such reports shall be at such intervals and in such manner as the Secretary shall prescribe by regulation, not to exceed ten years from the time of closeout of the assistance award, and shall contain an evaluation of the effectiveness of the economic assistance provided under this Act in meeting the need it was designed to alleviate and the purposes of this Act.

''TITLE III—DEFINITIONS, ELIGIBILITY AND COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

''SEC. 301. DEFINITIONS.

''In this Act, unless the context otherwise requires, the following definitions apply:

''(a) ECONOMIC DEVELOPMENT DISTRICT.—The term 'economic development district' refers to any area within the United States composed of cooperating areas described in section 302(a) and, where appropriate, designated economic development centers and neighboring counties or communities, which has been designated by the Secretary as an economic development district. Such term includes any economic development district designated by the Secretary under section 403 of this Act, as in effect on the day before the effective date of the Economic Development Partnership Act of 1998.

''(b) ECONOMIC DEVELOPMENT CENTER.—The term 'economic development center' refers to any area within the United States which has been identified as an economic development center in an approved comprehensive economic development strategy and which has been designated by the Secretary as eligible for financial assistance under this Act

in accordance with the provisions of this section.

''(c) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means an area described in section 302(a), an economic development district designated under section 401, an Indian tribe, a State, a city or other political subdivision of a State or a consortium of such political subdivisions, an institution of higher education or a consortium of such institutions, or a public or private nonprofit organization or association acting in cooperation with officials of such political subdivisions. For grants made under section 207, 'eligible recipient' also includes private individuals and for-profit organizations.

''(d) GRANT.—The term 'grant' includes cooperative agreement, as that term is used in the Federal Grant and Cooperative Agreement Act of 1977.

''(e) INDIAN TRIBE.—The term 'Indian tribe' means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to 25 U.S.C. section 479a–1.

''(f) STATE.—The terms 'State', 'States', and 'United States' include the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and the Commonwealth of the Northern Mariana Islands.

"SEC. 302. AREA ELIGIBILITY.

''(a) CERTIFICATION.—In order to be eligible for assistance for activities described under section 201 or 209, an applicant shall certify, as part of an application for such assistance, that the project is located in an area which on the date of submission of such application meets one or more of the following criteria:

''(1) The area has a per capita income of 80 percent or less of the national average.

''(2) The area has an unemployment rate one percent above the national average percentage for the most recent 24-month period for which statistics are available.

''(3) The area has experienced or is about to experience a sudden economic dislocation resulting in job loss that is significant both in terms of the number of jobs eliminated and the effect upon the employment rate of the area.

''(4) The area is one in which the Secretary determines that any activities authorized to be undertaken under section 201 or 209 will provide immediate useful work to unemployed and underemployed persons in that area, and the area is a community or neighborhood (defined without regard to political or other subdivisions or boundaries) which the Secretary determines has one or more of the following conditions:

''(A) A large concentration of low-income persons;

''(B) Areas having substantial out-migration; or

''(C) Substantial unemployment.

''(5) The area has demonstrated long-term economic deterioration.

''(6) The area has an unemployment rate, for the most recent 12 month period for which statistics are available, above a rate established by regulation as an indicator of substantial unemployment during conditions of significantly high national unemployment.

''(7) The area is one which the Secretary has determined has experienced, or may reasonably be foreseen to be about to experience, a special need to meet an expected rise in unemployment, or other economic adjustment problems (including those caused by any action or decision of the Federal Government).

''(8) The area contains a population of 250,000 or less and is identified in a comprehensive economic development strategy as having growth potential and the ability to alleviate distress within an economic development district.

''(9) The area is experiencing severe outmigration.

''(b) DOCUMENTATION.—A certification made under subsection (a) shall be supported by Federal data, when available or, in the absence of recent Federal data, by data available through the State government. Such documentation shall be accepted by the Secretary unless the Secretary determines the documentation to be inaccurate. The most recent statistics available shall be used.

''(c) SPECIAL RULE.—An area which the Secretary determines is eligible for assistance because it meets 1 or more of the criteria of subsection (a)(4)—

''(1) shall not be subject to the requirements of sections 201(b) or 303; and

''(2) shall not be eligible to meet the requirement of section 401(a)(1)(B).

''(d) PRIOR DESIGNATIONS.—Any designation of a redevelopment area made before the effective date of the Economic Development Partnership Act of 1998 shall not be effective after such effective date.

"SEC. 303. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY.

''(a) IN GENERAL.—The Secretary may provide assistance under section 201 or 209 (except for section 209 planning) to an applicant for a project only if the applicant submits to the Secretary, as part of an application for such assistance, evidence satisfactory to the Secretary of a comprehensive economic development strategy which—

''(1) identifies the economic development problems to be addressed using such assistance;

''(2) identifies past, present, and projected future economic development investments in the area receiving such assistance and public and private participants and sources of funding for such investments; and

''(3) sets forth a strategy for addressing the economic problems identified pursuant to paragraph (a) and describes how the strategy will solve such problems.

''(b) OTHER PLAN.—The Secretary may accept as a comprehensive economic development strategy a satisfactory plan prepared under another Federally supported program.

"TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

"SEC. 401. DESIGNATION OF ECONOMIC DEVELOPMENT DISTRICTS AND ECONOMIC DEVELOPMENT CENTERS.

''(a) IN GENERAL.—In order that economic development projects of broader geographic significance may be planned and carried out, the Secretary may—

''(1) designate appropriate 'economic development districts' within the United States with the concurrence of the States in which such districts will be wholly or partially located, if—

''(A) the proposed district is of sufficient size or population, and contains sufficient resources, to foster economic development on a scale involving more than a single area described in section 302(a);

''(B) the proposed district contains at least 1 area described in section 302(a);

''(C) the proposed district contains 1 or more areas described in section 302(a) or economic development centers identified in an approved district comprehensive economic development strategy as having sufficient size and potential to foster the economic growth activities necessary to alleviate the distress of the areas described in section 302(a) within the district; and

''(D) the proposed district has a district comprehensive economic development strategy which includes sustainable development, adequate land use and transportation planning and contains a specific program for district cooperation, self-help, and public investment and is approved by the State or States affected and by the Secretary;

''(2) designate as 'economic development centers', in accordance with such regulations as the Secretary shall prescribe, such areas as the Secretary may deem appropriate, if—

''(A) the proposed center has been identified and included in an approved district comprehensive economic development strategy and recommended by the State or States affected for such special designation;

''(B) the proposed center is geographically and economically so related to the district that its economic growth may reasonably be expected to contribute significantly to the alleviation of distress in the areas described in section 302(a) of the district; and

''(C) the proposed center does not have a population in excess of 250,000 according to the most recent Federal census; and

''(3) provide financial assistance in accordance with the criteria of this Act, except as may be herein otherwise provided, for projects in economic development centers designated under subsection (a)(2), if—

''(A) the project will further the objectives of the comprehensive economic development strategy of the district in which it is to be located;

''(B) the project will enhance the economic growth potential of the district or result in additional long-term employment opportunities commensurate with the amount of Federal financial assistance requested; and

''(C) the amount of Federal financial assistance requested is reasonably related to the size, population, and economic needs of the district.

''(b) AUTHORITIES.—The Secretary may, under regulations prescribed by the Secretary—

''(1) invite the several States to draw up proposed economic development district boundaries and to identify potential economic development centers;

''(2) cooperate with the several States—

''(A) in sponsoring and assisting district economic planning and development groups; and

''(B) in assisting such district groups to formulate district comprehensive economic development strategies; and

''(3) encourage participation by appropriate local governmental authorities in such economic development districts.

"SEC. 402. TERMINATION OR MODIFICATION.

''The Secretary shall by regulation prescribe standards for the termination or modification of economic development districts and economic development centers designated under the authority of section 401.

"SEC. 403. BONUS.

''Subject to the 20 per centum non-Federal share required for any project by subsection 205(b)(1) of this Act, the Secretary is authorized to increase the amount of grant assistance authorized by sections 204 and 205 for projects within designated economic development districts by an amount not to exceed 10 per centum of the aggregate cost of such project, in accordance with such regulations as the Secretary shall prescribe if—

(1) the project applicant is actively participating in the economic development activities of the district; and

(2) the project is consistent with an approved district comprehensive economic development strategy.

''SEC 404. STRATEGY PROVIDED TO APPALACHIAN REGIONAL COMMISSION.

''Each economic development district designated by the Secretary under this title shall provide that a copy of the district comprehensive economic development strategy be furnished to the Appalachian Regional Commission established under the Appalachian Regional Development Act of 1965, if any part of such district is within the Appalachian region.

''SEC. 405. PARTS NOT WITHIN AREAS DESCRIBED IN SECTION 302(a).

''The Secretary is authorized to provide the financial assistance which is available to an area described in section 302(a) under this Act to those parts of an economic development district which are not within an area described in section 302(a), when such assistance will be of a substantial direct benefit to an area described in section 302(a) within such district. Such financial assistance shall be provided in the same manner and to the same extent as is provided in this Act for an area described in section 302(a).

''TITLE V—ADMINISTRATION

''SEC. 501. ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT.

''The Secretary will administer this Act with the assistance of an Assistant Secretary of Commerce for Economic Development to be appointed by the President by and with the advice and consent of the Senate. The Assistant Secretary of Commerce for Economic Development will perform such functions as the Secretary may prescribe and will serve as the administrator of the Economic Development Administration within the Department of Commerce.

''SEC. 502. ECONOMIC DEVELOPMENT INFORMATION CLEARINGHOUSE.

''It shall be a duty of the Secretary in administering this Act—

''(a) to serve as a central information clearinghouse on matters relating to economic development, economic, adjustment, disaster recovery, and defense conversion programs and activities of the Federal and State governments, including political subdivisions of the States;

''(b) to help potential and actual applicants for economic development, economic adjustment, disaster recovery, and defense conversion assistance under Federal, State, and local laws in locating and applying for such assistance, including financial and technical assistance; and

''(c) to aid areas described in section 302(a) and other areas by furnishing to interested individuals, communities, industries, and enterprises within such areas any technical information, market research, or other forms of assistance, information, or advice which would be useful in alleviating or preventing conditions of excessive unemployment or underemployment within such areas.

''SEC. 503. CONSULTATION WITH OTHER PERSONS AND AGENCIES.

''(a) CONSULTATION ON PROBLEMS RELATING TO EMPLOYMENT.—The Secretary is authorized from time to time to call together and confer with any persons, including representatives of labor, management, agriculture, and government, who can assist in meeting the problems of area and regional unemployment or underemployment.

''(b) CONSULTATION ON ADMINISTRATION OF ACT.—The Secretary may make provisions for such consultation with interested departments and agencies as the Secretary may deem appropriate in the performance of the functions vested in the Secretary by this Act.

''SEC. 504. ADMINISTRATION, OPERATION, AND MAINTENANCE.

''No Federal assistance shall be approved under this Act unless the Secretary is satisfied that the project for which Federal assistance is granted will be properly and efficiently administered, operated, and maintained.

''SEC. 505. FIRMS DESIRING FEDERAL CONTRACTS.

''The Secretary may furnish the procurement divisions of the various departments, agencies, and other instrumentalities of the Federal Government with a list containing the names and addresses of business firms which are located in areas of high economic distress and which are desirous of obtaining Government contracts for the furnishing of supplies or services, and designating the supplies and services such firms are engaged in providing.

''SEC. 506. AMENDMENT TO TITLE 5, U.S.C.

''Section 5316 of title 5, United States Code, is amended by striking 'Administrator for Economic Development.'

''TITLE VI—MISCELLANEOUS

''SEC. 601. POWERS OF SECRETARY.

''(a) IN GENERAL.—In performing the Secretary's duties under this Act, the Secretary is authorized to—

''(1) adopt, alter, and use a seal, which shall be judicially noticed;

''(2) subject to the civil-service and classification laws, select, employ, appoint, and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act;

''(3) hold such hearings, sit and act at such times and places, and take such testimony, as the Secretary may deem advisable;

''(4) request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics needed to carry out the purposes of this Act; and each department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary;

''(5) consistent with the Debt Collection Improvement Act of 1996, under regulations prescribed by the Secretary, assign or sell at public or private sale, or otherwise dispose of for cash or credit, in the Secretary's discretion and upon such terms and conditions and for such consideration as the Secretary determines to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by the Secretary in connection with assistance extended under the Act, and collect or compromise all obligations assigned to or held by the Secretary in connection with such assistance until such time as such obligations may be referred to the Attorney General for suit or collection;

''(6) deal with, complete, renovate, improve, modernize, insure, rent, or sell for cash or credit, upon such terms and conditions and for such consideration as the Secretary determines to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary in connection with assistance extended under this Act;

''(7) consistent with the Debt Collection Improvement Act of 1996, pursue to final collection, by way of compromise or other administrative action, prior to reference to the Attorney General, all claims against third parties assigned to the Secretary in connection with assistance extended under this Act;

''(8) acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible), whenever necessary or appropriate in connection with assistance extended under this Act;

''(9) in addition to any powers, functions, privileges, and immunities otherwise vested in the Secretary, take any action, including the procurement of the services of attorneys by contract, determined by the Secretary to be necessary or desirable in making, purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with assets held in connection with financial assistance extended under this Act;

''(10) employ experts and consultants or organizations as authorized by section 3109 of title 5, United States Code, compensate individuals so employed, including travel time, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed, except that contracts for such employment may be renewed annually;

''(11) establish performance measures for grants and other assistance provided under this Act, and use such performance measures to evaluate the economic impact of economic development assistance programs; the establishment and use of such performance measures to be provided by the Secretary through members of his staff, through the employment of appropriate parties under contracts entered into for such purposes, or through grants to such parties for such purposes, using any funds made available by appropriations to carry out this Act;

''(12) sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Secretary or the Secretary's property; and

''(13) establish such rules, regulations, and procedures as the Secretary considers appropriate in carrying out the provisions of this Act.

''(b) DEFICIENCY JUDGMENTS.—The authority under subsection (a)(7) to pursue claims shall include the authority to obtain deficiency judgments or otherwise in the case of mortgages assigned to the Secretary.

''(c) INAPPLICABILITY OF CERTAIN OTHER REQUIREMENTS.—Section 3709 of the Revised Statutes of the United States shall not apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Secretary as a result of assistance extended under this Act if the premium for the insurance or the amount of the insurance does not exceed $1,000.

''(d) PROPERTY INTERESTS.—The powers of the Secretary, pursuant to this section, in relation to property acquired by the Secretary in connection with assistance extended under this Act, shall extend to property interests of the Secretary in relation to projects approved under the Public Works and Economic Development Act of 1965, title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977. Property interests in connection with grants may be released, in whole or in part, in the Secretary's discretion, after 20 years from the date of grant disbursement.

''(e) POWERS OF CONVEYANCE AND EXECUTION.—The power to convey and to execute, in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein acquired by the Secretary pursuant to the provisions of this Act may be exercised by the Secretary, or by any officer or agent appointed by the Secretary for such purpose,

without the execution of any express delegation of power or power of attorney.

"SEC. 602. MAINTENANCE OF STANDARDS.

"The Secretary shall continue to implement and enforce the provisions of section 712 of this Act, as in effect on the day before the effective date of the Economic Development Partnership Act of 1998.

"SEC. 603. ANNUAL REPORT TO CONGRESS.

"The Secretary shall transmit a comprehensive and detailed annual report to Congress of the Secretary's activities under this Act for each fiscal year beginning with the fiscal year ending September 30, 1999. Such report shall be printed and shall be transmitted to Congress not later than July 1 of the year following the fiscal year with respect to which such report is made.

"SEC. 604. USE OF OTHER FACILITIES.

"(a) DELEGATION OF FUNCTIONS TO OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The Secretary may delegate to the heads of other departments and agencies of the Federal Government any of the Secretary's functions, powers, and duties under this Act as the Secretary may deem appropriate, and authorize the redelegation of such functions, powers, and duties by the heads of such departments and agencies.

"(b) TRANSFER BETWEEN DEPARTMENTS.—Funds authorized to be appropriated under this Act may be transferred between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

"(c) FUNDS TRANSFERRED FROM OTHER DEPARTMENTS AND AGENCIES.—In order to carry out the objectives of this Act, the Secretary may accept transfers of funds from other departments and agencies of the Federal Government if the funds are used for the purposes for which (and in accordance with the terms under which) the funds are specifically authorized and appropriated. Such transferred funds shall remain available until expended, and may be transferred to and merged with the appropriations under the heading 'salaries and expenses' by the Secretary to the extent necessary to administer the program.

"SEC. 605. PENALTIES.

"(a) FALSE STATEMENTS; SECURITY OVERVALUATION.—Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of obtaining for such person or for any applicant any financial assistance under this Act or any extension of such assistance by renewal, deferment or action, or otherwise, or the acceptance, release, or substitution of security for such assistance, or for the purpose of influencing in any way the action of the Secretary or for the purpose of obtaining money, property, or anything of value, under this Act, shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

"(b) EMBEZZLEMENT AND FRAUD-RELATED CRIMES.—Whoever, being connected in any capacity with the Secretary in the administration of this Act—

"(1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to such person or pledged or otherwise entrusted to such person;

"(2) with intent to defraud the Secretary or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner, makes any false entry in any book, report, or statement of or to the Secretary or without being duly authorized draws any orders or issues, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof;

"(3) with intent to defraud, participates or shares in or receives directly or indirectly any money, profit, property, or benefit through any transaction, loan, grant, commission, contract, or any other act of the Secretary; or

"(4) gives any unauthorized information concerning any future action or plan of the Secretary which might affect the value of securities, or having such knowledge invests or speculates, directly or indirectly, in the securities or property of any company or corporation receiving loans, grants, or other assistance from the Secretary, shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

"SEC. 606. EMPLOYMENT OF EXPEDITERS AND ADMINISTRATIVE EMPLOYEES.

"No financial assistance shall be extended by the Secretary under this Act to any business enterprise unless the owners, partners, or officers of such business enterprise—

"(1) certify to the Secretary the names of any attorneys, agents, and other persons engaged by or on behalf of such business enterprise for the purpose of expediting applications made to the Secretary for assistance of any sort, under this Act, and the fees paid or to be paid to any such person; and

"(2) execute an agreement binding such business enterprise, for a period of 2 years after such assistance is rendered by the Secretary to such business enterprise, to refrain from employing, tendering any office or employment to, or retaining for professional services, any person who, on the date such assistance or any part thereof was rendered, or within the 1-year period ending on such date, shall have served as an officer, attorney, agent, or employee, occupying a position or engaging in activities which the Secretary determines involves discretion with respect to the granting of assistance under this Act.

"SEC. 607. MAINTENANCE OF RECORDS OF APPROVED APPLICATIONS FOR FINANCIAL ASSISTANCE; PUBLIC INSPECTION.

"(a) MAINTENANCE OF RECORD REQUIRED.—The Secretary shall maintain as a permanent part of the records of the Department of Commerce a list of applications approved for financial assistance under this Act, which shall be kept available for public inspection during the regular business hours of the Department of Commerce.

"(b) POSTING TO LIST.—The following information shall be posted in such list as soon as each application is approved:

"(1) The name of the applicant and, in the case of corporate applications, the names of the officers and directors thereof.

"(2) The amount and duration of the financial assistance for which application is made.

"(3) The purposes for which the proceeds of the financial assistance are to be used.

"SEC. 608. RECORDS AND AUDIT.

"(a) RECORDKEEPING AND DISCLOSURE REQUIREMENTS.—Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) ACCESS TO BOOKS FOR EXAMINATION AND AUDIT.—The Secretary, the Inspector General of the Department of Commerce, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

"SEC. 609. PROHIBITION AGAINST A STATUTORY CONSTRUCTION WHICH MIGHT CAUSE DIMINUTION IN OTHER FEDERAL ASSISTANCE.

"All financial and technical assistance authorized under this Act shall be in addition to any Federal assistance previously authorized, and no provision of this Act shall be construed as authorizing or permitting any reduction or diminution in the proportional amount of Federal assistance which any State or other entity eligible under this Act would otherwise be entitled to receive under the provisions of any other Act.

"SEC. 610. ACCEPTANCE OF APPLICANTS' CERTIFICATIONS.

"The Secretary may accept, when deemed appropriate, the applicants' certifications to meet the requirements of this Act.

"TITLE VII—FUNDING

"SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this Act $397,969,000 for fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2002, such sums to remain available until expended.

"SEC. 702. DEFENSE CONVERSION ACTIVITIES.

"In addition to the appropriations authorized by section 701, there are authorized to be appropriated to carry out this Act such sums as may be necessary to provide assistance for defense conversion activities. Such funding may include pilot projects for privatization and economic development activities for closed or realigned military or Department of Energy installations. Such sums shall remain available until expended.

"SEC. 703. DISASTER ECONOMIC RECOVERY ACTIVITIES.

In addition to the appropriations authorized by section 701, there are authorized to be appropriated to carry out this Act such sums as may be necessary to provide assistance for disaster economic recovery activities. Such sums shall remain available until expended."

SEC. 3. SAVINGS PROVISIONS.

(a) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—This Act shall not be construed as affecting the validity of any right, duty, or obligation of the United States or any other person arising under or pursuant to any contract, loan, or other instrument or agreement which was in effect on the day before the effective date of this Act.

(b) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against any officer or employee of the Economic Development Administration shall abate by reason of the enactment of this Act.

(c) LIQUIDATING ACCOUNT.—The Economic Development Revolving Fund hitherto established under section 203 of the Public Works and Economic Development Act of 1965 shall continue to be available to the Secretary as a liquidating account as defined under section 502 of the Federal Credit Reform Act of 1990 for payment of obligations and expenses in connection with financial assistance extended under this Act, said Act of 1965, the Area Redevelopment Act, and the Trade Act of 1974.

(d) ADMINISTRATION.—The Secretary shall take such actions as authorized before the effective date of this Act as necessary or appropriate to administer and liquidate existing grants, contracts, agreements, loans, obligations, debentures, or guarantees heretofore made by the Secretary or the Secretary's delegatee pursuant to provisions in effect immediately prior to the effective date of this Act.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title; effective date

Act may be cited as the ''Economic Development Partnership Act of 1997'', with an effective date not later than three months after enactment.

Section 2. Reauthorization of Public Works and Economic Development Act of 1965

Reenacts the Public Works and Economic Development Act of 1965 (PWEDA), replacing everything after section 1 of that act with Findings and the following seven titles:

Sec. 2. Findings and declaration

Includes Congressional findings and declaration of the need for Federal assistance to distressed areas, as in PWEDA.

TITLE I—ECONOMIC DEVELOPMENT PARTNERSHIPS COOPERATION AND COORDINATION

Sec. 101. Establishment of economic development partnerships

Directs cooperation with States and other entities, including cooperative agreements with adjoining states; technical assistance as appropriate; and intergovernmental review of project proposals.

Sec. 102. Cooperation of Federal agencies

Directs other Federal department and agency to cooperate with the Secretary in carrying out the objectives of this Act, as in PWEDA.

Sec. 103. Coordination

Directs the Secretary to coordinate the activities under this Act with other Federal programs, States, economic development districts, and others, as in PWEDA.

Sec. 104. National Advisory Committee

The Secretary may appoint a broad-based 25–member National Public Advisory Committee on Regional Economic Development to make recommendations to the Secretary relative to carrying out the Secretary's duties under this Act, as in PWEDA.

TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

Sec. 201. Public works grants

Provides authority to make grants for regular infrastructure projects similar to those under PWEDA, and adds authority to make grants for design and engineering projects.

Sec. 202. Construction cost increases

Provides for increases in grant funding due to construction cost increases, using essentially the same language as in Title I of PWEDA.

Sec. 203. Planning and administrative expenses

Provides for grant assistance to political entities and planning organizations using essentially the same language as in Title III of PWEDA.

Sec. 204. Cost sharing

Establishes a 50 percent direct grant rate for projects under this title and requirements for the non-Federal share, as in PWEDA.

Sec. 205. Supplementary grants

Provides authority to supplement grants from designated Federal grant-in-aid programs as well as authority to supplement the 50 percent direct grant rate for eligible projects under this Act of 1997. Similarly to PWEDA, grant rate may be increased to 80 percent according to distress criteria, and 100 percent in extraordinary situations.

Sec. 206. Regulations to assure relative needs are met

Directs the Secretary to prescribe rules, regulations, and procedures to carry out this title which will assure that for assistance under section 201 adequate consideration is given to the relative needs of eligible areas, as in PWEDA. Relevant factors are to include severity of unemployment and underemployment, income levels, and outmigration of population.

Sec. 207. Training, research and technical assistance

Provides authority to make direct grants for training, research and technical assistance, including program evaluation and economic impact analyses, as well as authority to conduct research and technical assistance through staff, through other Federal departments or agencies, or through contracts or grants. Authority is similar to PWEDA's.

Sec. 208. Relocation of individuals and businesses

States that grants to eligible recipients must include relocation assistance to affected persons, as required by the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.

Sec. 209. Economic adjustment

Provides authority, as in PWEDA, to make direct grants for public facilities, public services, business development (including a revolving loan fund), planning, technical assistance, and training, including activities to alleviate long-term economic deterioration, and sudden and severe economic dislocations.

Sec. 210. Direct expenditure or redistribution by recipient

Provides, as in PWEDA, that amounts from grants under section 209 of this title may be used in direct expenditures or through redistribution to public and private entities in grants, loans, loan guarantees, to reduce loan guarantee interest, or other appropriate assistance, but no grant shall be made by a recipient to a private profit-making entity.

Sec. 211. Changed project circumstances

Provides authority to approve changes in project scope.

Sec. 212. Use of funds in projects constructed under projected cost

Provides that funds available because of construction projects completed under cost may be used to further improve the project, as determined by the Secretary.

Sec. 213. Base closings and realignments

Provides authority for assistance under this title due to the closure or realignment of a military or Department of Energy installation for projects to be carried out on such installation or in communities adversely affected by the closure or realignment.

Sec. 214. Prevention of unfair competition

Prohibits use of funds under this Act for any project resulting in excess capacity using the same language in section 702 of PWEDA.

Sec. 215. Reports by recipient

Requires reports from recipients of assistance containing an evaluation of the effectiveness of the economic assistance provided under this Act.

TITLE III—DEFINITIONS, ELIGIBILITY AND COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

Sec. 301. Definitions

Defines eligible recipient as an area described in Section 302(a), an economic development district designated under section 401, an Indian tribe, a State, a city or other political subdivision (subdivision) of a State or a consortium of such subdivisions, an institution of higher education or a consortium of such institutions, or a public or private nonprofit organization or association acting in cooperation with officials of such subdivisions, and includes private individuals and for-profit organizations for grants under section 207. The terms economic development district, economic development center, grant, Indian tribe, Secretary and State are also defined.

Sec. 302. Area eligibility

Allows for self-certification by applicants seeking assistance under section 201 or 209, that they meet one or more of the nine distress criteria established; such certification to be supported by Federal data, when available or, in the absence of recent Federal data, by data available through the State government. Such documentation shall be accepted by the Secretary unless the Secretary determines the documentation to be inaccurate. The most recent statistics available shall be used. Area eligibility is similar to that in PWEDA (however, determined at time of application, rather than ''grandfathered''), but provides consistency across programs, and simplifies process of determining eligibility.

Sec. 303. Comprehensive economic development strategy

Requires applicants for assistance under section 201 or 209 (except for planning) to prepare a comprehensive economic development strategy, acceptable to the Secretary, identifying problems to be addressed and the strategy for addressing them. This is similar to overall economic development program required for PWEDA public works grants, or adjustment strategies required for PWEDA economic adjustment grants. Provides that plan prepared under another Federally supported program may be acceptable.

TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

Sec. 401. Designation of economic development districts and economic development centers

Establishes criteria for the designation of economic development districts and economic development centers, with essentially the same language as in PWEDA.

Sec. 402. Termination or modification

Authorizes the Secretary to issue regulations describing standards for terminating or modifying designated economic development districts and economic development centers, as in PWEDA.

Sec. 403. Bonus

Provides authority to increase the amount of grant assistance authorized by sections 204 and 205 for projects within designated economic development districts by an amount not to exceed 10 per centum of the aggregate cost of any such project, subject to minimum non-Federal share, if certain requirements are met, as in PWEDA.

Sec. 404. Strategy provided to Appalachian Regional Commission

As in PWEDA, requires that each economic development district provide a copy of its comprehensive economic development strategy to the Appalachian Regional Commission, if any part of such proposed district is within the Appalachian region.

Sec. 405. Parts not within areas described in section 302(a)

Establishes the authority to provide the financial assistance to those parts of an economic development district which are not within an area described in section 302(a), when such assistance will be of a substantial direct benefit to an area described in section 302(a) within such district, as in PWEDA.

TITLE V—ADMINISTRATION

Sec. 501. Assistant Secretary for Economic Development

Provides that the Secretary will administer the Act with the assistance of an Assistant Secretary of Commerce for Economic Development to be appointed by the President by and with the advice and consent of

the Senate; such Assistant Secretary of Commerce for Economic Development will serve as the administrator of the Economic Development Administration.

Sec. 502. Economic development information clearinghouse

Establishes a central information clearinghouse on matters relating to economic development, economic adjustment, disaster recovery, and defense conversion programs and activities of the Federal and State governments, including political subdivisions of the States.

Sec. 503. Consultation with other persons and agencies

Authorizes the Secretary to confer with any persons, including representatives of labor, management, agriculture, and government, who can assist with the problems of area and regional unemployment and underemployment, and to consult with interested departments and agencies as deemed appropriate in the performance of the functions vested in the Secretary by this Act, as in PWEDA.

Sec. 504. Administration, operation, and maintenance

Requires finding that the project for which Federal assistance is granted will be properly and efficiently administered, operated, and maintained, using the same language as in section 604 of PWEDA.

Sec. 505. Firms desiring Federal contracts

Provides, as in PWEDA, that the Secretary may furnish the procurement divisions of the various departments, agencies, and other instrumentalities of the Federal Government with a list containing the names and addresses of business firms which are located in areas of high economic distress and which are desirous of obtaining Government contracts for the furnishing of supplies or services.

Sec. 506. Amendment to title 5, U.S.C.

Amends Section 5316 of title 5, United States Code, by striking ''Administrator for Economic Development''.

TITLE VI—MISCELLANEOUS

Sec. 601. Powers of Secretary

Provides numerous powers to the Secretary, substantially similar to the authority under PWEDA, to carry out the Secretary's duties under this Act, including but not limited to those involving a seal, personnel, hearings, the taking of appropriate actions concerning personal property, real property, or evidence thereof, third party claims, the establishment of performance measures for grants and other assistance provided under this Act, and the establishment of such rules, regulations, and procedures as the Secretary considers appropriate in carrying out the provisions of this Act. It includes authority for the Secretary to protect Governmental interest in grant property and to release that interest 20 years after disbursement.

Sec. 602. Maintenance of standards

Directs the Secretary to continue to implement and enforce the provisions of section 712 of PWEDA.

Sec. 603. Annual report to Congress

Provides for one annual consolidated report to Congress on the Secretary's activities under this Act, as required under PWEDA.

Sec. 604. Use of other facilities

Substantially as in PWEDA, provides authority for the Secretary to: delegate to the heads of other departments and agencies of the Federal Government any of the Secretary's functions, powers, and duties under this Act as deemed appropriate and to authorize redelegation by such heads; transfer funds between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated; accept transfers of funds from other departments and agencies of the Federal Government if the funds are used for the purposes for which such funds are specifically authorized and appropriated.

Sec. 605. Penalties

Provides legal penalties using essentially the same language as in section 710 of PWEDA.

Sec. 606. Employment of expediters and administrative employees

Provides requirements concerning the employment of expediters and administrative employees, as in section 711 of PWEDA.

Sec. 607. Maintenance of records of approved applications for financial assistance; public inspection

Directs the Secretary, as in PWEDA, to maintain as a permanent part of the records of the Department of Commerce a list of applications approved for financial assistance under this Act and to make such records available for public inspection during the regular business hours of the Department of Commerce.

Sec. 608. Records and audit

Requires that recipients keep records and provide access for audits using language similar to that in section 714 of PWEDA.

Sec. 609. Prohibition against a statutory construction which might cause diminution in other Federal assistance

As in PWEDA, provides that financial and technical assistance authorized under this Act be in addition to any Federal assistance previously authorized, and no provision of this Act be construed as authorizing or permitting any reduction or diminution in the proportional amount of Federal assistance which an entity would otherwise receive.

Sec. 610. Acceptance of applicants' certifications

Provides authority for the Secretary to accept, when deemed appropriate, the applicants' certifications to meet the requirements of this Act.

TITLE VII—FUNDING

Sec. 701. Authorization of appropriations

Authorizes $343,028,000 for fiscal year 1998 and such sums as may be necessary for each of fiscal years 1999 through 2002, such sums to remain available until expended.

Sec. 702. Defense conversion activities

In addition to the appropriations authorized by section 701, authorizes to be appropriated to carry out this Act such sums as may be necessary to provide assistance for defense conversion activities.

Sec. 703. Disaster economic recovery activities

In addition to the appropriations authorized by section 701, authorizes to be appropriated to carry out this Act such sums as may be necessary to provide assistance for disaster economic recovery activities.

Section 3. Savings provisions

Provides that existing rights, duties and obligations, and pending suits, are not to be affected by this Act, and that revolving fund established under section 203 of PWEDA is to continue to be available as a liquidating account.

Ms. SNOWE. Mr. President, I rise today with my distinguished colleague from Montana, Senator MAX BAUCUS, to introduce the ''Economic Development Partnership Act of 1998''—a bill to reauthorize the Economic Development Administration in the Department of Commerce. I would first like to thank the ranking member of the Senate Committee on Environment and Public Works, Senator BAUCUS, for his ongoing commitment to this vital agency, and would also like to thank the bipartisan group of Senators who have joined us in sponsoring this legislation.

Mr. President, I have long been a supporter of the EDA because—although it is a small agency—its programs contribute significantly to economic growth and job expansion. With only a modest annual appropriation and a national staff of 258 dedicated public servants, the EDA successfully assists communities across the nation who have experienced economic distress. Economic distress that is not only generated by economic downturns, but also by natural disasters—such as storms and earthquakes—and un-natural disasters, such as military base closings.

I am also pleased that, at a time when Congress is exercising much needed fiscal discipline and performance-based budgeting is being demanded from all agencies, the EDA has maintained its commitment to providing a good return on the public dollar. Specifically, recent studies of EDA's programs were performed by a consortia of organizations including Rutgers University, the New Jersey Institute of Technology, Columbia University, Princeton University, the National Association of Regional Councils, and the University of Cincinnati. The results of these studies were impressive, and clearly showed the value and results of EDA investments in public works and defense conversion activities. Specifically, for every every $1 million that EDA invests in public works projects, 327 jobs are created or retained at a cost of $3,058 per job; 15 construction jobs are created; $10 million in private sector dollars are leveraged; and $10.13 million is added to the local tax base. Based on these statistics, I believe it's safe to say that EDA delivers a substantial ''bang for the buck''!

Even as these statistics speak to the value of EDA programs nationally, I am pleased that the people of Maine don't need to hear what is happening in other states to be convinced of the value of EDA—they already know what this agency has meant to their towns and communities. Over the past 32 years, the EDA has invested more than $198 million in 606 projects across the state. Through public works, technical assistance, planning, community investments, and revolving loan fund programs, the EDA has established local partnerships in Maine that have provided critical infrastructure development and other economic incentives that have stimulated local growth, created jobs, and generated revenue.

Not only has the EDA invested in many economic development projects in Maine, but I can also personally attest to the value and importance of

these projects because I have seen the results that they deliver. For example, as a result of EDA assistance in 1996, dormitories at the Maine School of Science and Mathematics—a magnet school built at former Loring Air Force Base—were built to house the school's students. And in 1995, EDA assistance in Freeport, Maine prevented a major health maintenance organization from relocating to another state. That project alone not only saved 99 jobs, but also created an additional 127 in the community.

Mr. President, I cite these success stories not only to credit the agency for a job well done in my state, but to demonstrate to my colleagues the types of assistance that have likely been provided to their states as well. If my colleagues would review the cases of economic distress that have occurred in their own states, I believe they will find their own success stories that speak to the value of EDA to their constituents.

Therefore, I would urge that my colleagues support the bill that Senator BAUCUS and I are introducing today because it would reauthorize the beneficial and critically-needed programs that have led to these success stories for an additional five years. Perhaps most importantly, it will keep the agency's successful programs intact, while incorporating ideas and concepts for improvement that have received increased attention and support in the Congress. For instance, many of my colleagues would agree that to be truly successful, government programs should proceed in partnership with local governments—and this legislation will do just that by preserving the integrity of the agency's traditional programs, while expanding and modifying them to encompass the partnership concept.

The bill also contains new language that reflects some of the activities that the agency has become more involved in over the past few years, such as defense conversion and disaster assistance. From Maine's perspective, these programs could not be buttressed soon enough following the closing of Loring Air Force base in 1994, and the ice storms that ravaged the state just weeks ago.

In addition, there are other provisions in this legislation that will bring meaningful, positive changes to EDA's programs by increasing program flexibility and heightening accountability. Ultimately, it is these types of changes that will not only update an Act that has been in need of reauthorization, but will also prepare this agency for the economic needs and demands of our nation as we approach a new century.

Mr. President, the Economic Development Administration is a key federal agency that promotes economic growth and development, and the legislation we are offering today will ensure that these improved programs will be available for the next five years. I urge my colleagues to support this critically needed legislation.

Mr. KENNEDY. Mr. President, it is an honor to join as a sponsor of the Economic Development Partnership Act of 1998, which will reauthorize and extend the important work of the Economic Development Administration in the Department of Commerce.

The Economic Development Administration was established in 1965 to provide grants to help hard-pressed communities in all parts of the country to deal more effectively with conditions of persistent unemployment in economically distressed areas.

Over the past thirty years, EDA has helped generate new jobs, retain existing jobs, and stimulate industrial and commercial growth in economically distressed areas across the country. By making assistance available to areas suffering high unemployment, low-income levels, or sudden and severe economic emergencies, EDA provides local governments with the resources to revitalize their communities, create jobs, and plan for long-term growth.

In fulfilling its mission, EDA is guided by the basic principle that distressed communities must be encouraged to plan and implement their own economic development and revitalization strategies.

I commend Senator BAUCUS and the Clinton Administration for their leadership on this important legislation, and I look forward to its enactment.

By Mr. JEFFORDS (for himself, Ms. COLLINS, and Mr. ENZI):

S. 1648. A bill to amend the Public Health Service Act and the Food, Drug and Cosmetic Act to provide for reductions in youth smoking, for advancements in tobacco-related research, and the development of safer tobacco products, and for other purposes; to the Committee on Labor and Human Resources.

PREVENTING ADDICTION OF SMOKING TEENS ACT

Mr. JEFFORDS. Mr. President, I rise today to introduce legislation with one principal aim: to put an end to teenage smoking. I am honored to be joined by two other distinguished members of the Committee on Labor and Human Resources, Senator COLLINS, and Senator ENZI.

By now, we are all familiar with the grim statistics that tell the story of youth smoking in our country—the thousands of children that experiment with tobacco, the thousands that become addicted, and the thousands who will die prematurely as a result.

For too long, the federal government has been of little assistance in combating the number one preventable disease in this country. Apart from the efforts of Surgeons General from Luther Terry to C. Everett Koop, and sporadic efforts by Congress, the federal government has barely acknowledged there's a problem.

The states, especially my home state of Vermont, have been leaders in the effort to end teenage smoking. And last summer, the proposed settlement by the Attorneys General ignited a whole new debate on this issue by providing us with a template for action.

Eight months later, it is easy for us to minimize that accomplishment, but by any fair appraisal the settlement was a tremendously important step.

When the tobacco settlement was announced, some people thought it might be only a few months before it would be ratified by Congress. Today, people wonder whether it can be revived by Congress.

I am confident that we can and will reach agreement on a national tobacco policy. But I am just as certain that we'll never do so if we pursue a partisan approach.

Since the settlement, the Committee on Labor and Human Resources has held four hearings on this subject, and across Capitol Hill dozens of hearings have been held by other committees of jurisdiction.

Today we take the next important step in this process, by introducing legislation that I hope will serve as the basis for a broad, bipartisan approach to the three basic public health issues of a national tobacco policy: prevention, safer products, and cessation.

If we can achieve a national tobacco policy, it could be the biggest public health breakthrough ever achieved outside a lab.

The settlement has been criticized as being too weak by some, too ambitious by others. I agree the settlement has flaws.

But I think we must never lose sight of the ultimate goal—what is the best public health approach that we can enact to reduce teen smoking?

I am less concerned about exacting the last measure of revenge for the past actions of the tobacco companies than I am about ensuring the future of the children who become addicted every day. We need to keep our priorities straight.

It will take a broad, bipartisan consensus to pass tobacco legislation. Right now, that consensus seems entirely absent and is in danger of slipping into partisan grand standing over who loves kids and hates tobacco.

That consensus can only come through compromise. There will be many opportunities to derail legislation of this magnitude if it is only supported by a slim majority. If we expect enactment, we must forge broad agreement in the Congress.

The legislation we introduce today, called the Preventing Addiction to Smoking Among Teens, or PAST Act, will enact and improve upon the public health provisions of the tobacco settlement. It is not designed to solve every question before us, rather, it addresses the public health issues that are before the Labor Committee.

It is no longer feasible for tobacco to escape the same type of regulation we require for foods and medicines. Our bill will give the Food and Drug Administration every bit of authority it needs to regulate tobacco products and their components. The tobacco industry will have to turn over all of its

health documents to the FDA. FDA will be able to reduce or eliminate harmful ingredients or require safer technological improvements through informal rulemaking to achieve overall public health benefits.

Of course, we will not achieve the public health benefits we seek from mandating safer products if the resulting products are unacceptable to consumers who can't quit smoking. Part of the process for setting these standards will be consideration of just this question.

We encourage the development of safer products subject to the same type of scientific review for other FDA regulated products. And FDA can propose, after ten years, the outright prohibition of cigarettes or smokeless tobacco products.

But our bill will not permit FDA to ban cigarettes or smokeless tobacco for adult usage on its own. That decision, in my opinion, is one that should be made by Congress, not a single government agency.

Our bill adopts a comprehensive approach to preventing teens from smoking, and helping people to quit who are already hooked. And finally, our bill will provide for a coordinated regime to research the many unanswered questions about tobacco, its effects on us, and how to mitigate those effects.

I ask unanimous consent that a summary of our bill be included at the end of my remarks.

Next week, Senator GREGG and I will hold a hearing in New Hampshire to listen to state and local concerns on tobacco issues within the jurisdiction of the Senate Committee on Labor and Human Resources. And in a month, I hope to have found bipartisan support for my bill and to have moved it through the committee.

Finally, I want to note that many of my colleagues are also working on legislation to help move the discussion forward, and there are many good ideas that deserve consideration. In particular, I look forward to working with Senator ENZI on his proposal to establish a fund supported by tobacco industry resources. This fund would be a sustainable way to provide compensation for treating tobacco-related diseases, and could also be used to pay for some of the prevention proposals I have outlined in my bill

Even though we have much work to do before we decide the overall architecture of tobacco policy, it is not at all too soon to begin pouring the foundation. As in New England, we have a short building season. If we are to clear the committees, combine our approaches, clear the floor and conference, we must act now. I urge my colleagues to give me their support, and greatly appreciate those who have already done so.

We need to make teen smoking a thing of the past.

Mr. President, I ask unanimous consent that bill summary be printed in the RECORD.

There being no objection, the bill summary was ordered to be printed in the RECORD, as follows:

THE PREVENTING ADDICTION TO SMOKING AMONG TEENS (PAST) ACT—OVERVIEW

PROBLEM

Smoking is the single most preventable cause of death in the United States.

Smoking-related diseases kill 400,000 Americans each year.

82% of adult smokers began smoking when they were teenager—people generally do not *start* smoking past the teen years, making it *imperative* to prevent smoking among teens.

But the trend is going in the wrong direction: more kids are smoking; 6,000 kids a day try a cigarette, and 3,000 of those will become addicted; every day, 1,000 kids who start smoking will eventually die prematurely due to smoking.

THE PAST ACT

Across the board, the provisions of the PAST Act are tougher than those approved by the Attorneys General and plaintiffs' attorneys in the June 20, 1997 proposed tobacco settlement. The PAST Act:

Is a comprehensive public health approach to reduce youth smoking, help people who want to quit, bring safer products to the market, and provide for the research we need to improve our understanding of addiction and how to prevent it.

Requires that tobacco settlement funds be used for tobacco-related initiatives.

Provides for: Straightforward and effective authority for FDA to regulate tobacco products; tough and enforceable restrictions on youth access to tobacco products; evidence-based prevention and cessation programs; research that will help us understand why certain people become addicted to tobacco products and provide science-based methods to prevent addiction.

SUMMARY OF THE ACT

1. Regulation of Tobacco Products and Tobacco Product Development

Purpose: To provide strong and effective Food and Drug Administration (FDA) regulatory authority over cigarettes, smokeless tobacco products, and safer tobacco products.

Summary: No longer will the tobacco companies be exempt from the type of regulation which ensures that our foods and medicines are safe and properly labeled.

The PAST Act gives FDA regulatory authority to:

Oversee the manufacturing processes of tobacco products;

require elimination of tobacco product additives and reductions in nicotine;

quickly and easily promulgate performance standards to ensure that new and safer technology reaches consumers with truthful information on health issues related to products;

regulate the content of product labels and advertising;

require tobacco companies to divulge all health-related research on tobacco products and ingredients;

set national rules for product regulation while preserving important state and local authorities to require tougher requirements for youth access rules and point-of-sale advertising;

periodically assess and improve the effectiveness of tobacco product warning labels.

The PAST Act bans billboard advertising of tobacco products, cartoon figure and human figures (like Joe Camel and the Marlboro Man) and restricts in-store marketing.

The PAST Act does not preempt the ability of state or localities to pass stricter laws on sale to minors or point-of-sale advertising.

1. FDA Authority to Approve Reduced Risk Tobacco Products and Require Reductions in Nicotine and Elimination of Tobacco Product Hazards.

50 million Americans smoke. For those who can't quit as soon as they'd like, we must both provide them with less harmful alternatives to today's tobacco products and take steps immediately to reduce the danger in existing tobacco products. The PAST Act establishes science and public health-based decision making at FDA to achieve these goals.

The PAST Act includes a program designed to encourage tobacco companies to develop and market reduced risk tobacco products. FDA authority over reduced risk tobacco products requires that FDA approve specific ''reduced risk'' claims manufacturers make. In addition, manufacturers must notify FDA of any reduced risk technology they develop or acquire.

FDA is to require tobacco companies to conduct the same type of high quality scientific studies expected of drug and device companies to demonstrate that a new tobacco product carries a ''reduced risk.'' FDA will take into account the effect of the product on overall public health concerns including whether fewer people will quit smoking as a result of its availability. FDA will require both short-term and long-term studies to ensure that the products have a positive public health effect. FDA can revoke the approval to market the product if the studies do not support the health claims or if the studies are not completed in a timely manner.

In addition, if FDA determines that a particular reduced risk technology is less hazardous it may: require disclosure of the safer technology; prohibit the use of technology that is superseded by the new technology, or; require that manufacturers stop selling tobacco products that do not incorporate such technology.

In addition to reviewing reduced risk products, FDA has authority to mandate the elimination of hazardous components of tobacco products and reduce nicotine levels to achieve overall public health benefits. Before requiring changes to tobacco products, FDA will employ a notice and comment rulemaking proces—the same as that used for drugs and devices. FDA is not! required to prove that a black market will not result.

2. FDA Authority to Regulate Product Labels, Warnings, Advertising, and Marketing.

The PAST Act will enact: new warning labels, and the flexibility for the Secretary to change the labels; restrictions on labeling and advertising of tobacco products; restrictions on advertising in non-adult media and glamorization of tobacco; bans on non-tobacco items and event sponsorship.

The PAST Act does not prevent states and localities from enacting tougher laws on youth access and point-of-sale cigarette advertising and marketing.

II. National Efforts to Reduce Youth Smoking

Purpose: To provide all the essential ingredients for comprehensive and effective programs to reduce youth smoking.

Summary: The PAST Act sets high but achievable goals to reduce youth smoking. To ensure that the tobacco manufacturers partner with communities to achieve these goals, the PAST Act exacts tough penalties on the industry if goals are not met. Further, unlike the June 20 proposed tobacco settlement, and some other bills that have been introduced, the PAST Act does not permit the penalties to be capped, and it ensures that the penalties are calculated accurately.

The PAST Act entrusts the states with the necessary resources from the Tobacco Settlement Trust Fund for local anti-tobacco

programs that will effectively: restrict the sale of tobacco products to minors; prevent youth smoking; assure that people who want to quit smoking can get proven cessation treatment.

The PAST Act gives the Office on Smoking and Health of Centers for Disease Control the resources to provide oversight and technical help to state and local authorities, thus guaranteeing that the latest and most effective strategies to prevent and stop smoking can be employed.

The PAST Act provides funds for research to help us understand addiction to tobacco products, and to ensure that the results of this research are swiftly incorporated into community-based programs.

The PAST Act establishes an innovative and far-reaching national public health promotion and health education campaign on the dangers of smoking.

1. Required Reduction in Underage Use of Tobacco Products.

Purpose: To promote an immediate reduction in the number of underage consumers of tobacco products by imposing financial surcharges dramatically stiffer than the June 20 proposed tobacco settlement on participating manufacturers if underage tobacco-use reduction targets are not met.

If the targets are not met, surcharges will be imposed on manufacturers, and for each 5 percentage points short of the target, the surcharge on manufacturers increases substantially.

Cigarettes: for the first 5 percentage points for which the rate of youth smoking falls short of the target: the product of $80,000,000 and the number of applicable percentage points; for 6 to 10 percentage points short of the goal: the product of $400,000,000 and the number of applicable percentage points; for 11 or more percentage points short of the goal: the product of $500,000,000 and the number of applicable percentage points.

Smokeless Tobacco Products: for the first 5 percentage points for which the rate of youth smokeless tobacco use falls short of the target: the product of $15,000,000 and the number of applicable percentage points; for 6 to 10 percentage points short of the goal: the product of $30,000,000 and the number of applicable percentage points; for 11 or more percentage points short of the goal: the product of $45,000,000 and the number of applicable percentage points.

Targets for reduction of tobacco product use in individuals under 18:

Cigarettes: 30 percent in the fifth and sixth years; 50 percent in the seventh, eighth and ninth years; 60 percent in the tenth and subsequent years.

Smokeless tobacco: 25 percent in the fifth and sixth years; 35 percent in the seventh, eighth and ninth years; 45 percent in the tenth and subsequent years.

2. Restrictions on Access to Tobacco Products.

Purpose: To ensure that strict state laws are passed and enforced that will prohibit the sale and distribution of tobacco products to minors, and to provide civil penalties to minors who purchase or smoke tobacco products.

State laws must include the following provisions, and may include stricter provisions:

At least 90% of minors attempts to purchase must be unsuccessful; requirement of a state or local license to sell tobacco products; a prohibition on sale of cigarettes and smokeless tobacco to individuals under 18 years of age; the following requirements for distribution:

The licensee must verify age through a government issued photo identification; no verification is required for any individual who is at least 27 years of age; no direct access to tobacco products; face-to-face exchange for purchase; no out-of-package sale of tobacco products; no special marketing rules for adult only stores; minors may not purchase or consume tobacco products. States may enforce this provision through civil penalties, including a written warning, a possible fine of up to $150 for repeated offenses, or other civil penalties determined appropriate by the state.

3. State and Community Action Programs.

Purpose: To promote the development of state and community action programs designed to educate the public on addiction and the hazards of tobacco use, and to promote prevention and cessation of the use of tobacco products.

Funds will be available to each state from the Tobacco Settlement Trust Fund after approval of a state plan. Funding increases from $145,000,000 for each of the fiscal years 1999 and 2000 to $440,000,000 for fiscal year 2008.

State and local initiatives may include: evidence-based programs to prevent tobacco use and promote cessation; health education and promotion efforts relating to tobacco use; public policy initiatives to prevent tobacco use and promote cessation; evidence-based programs in schools to prevent and reduce tobacco use and addiction.

4. Tobacco Use Cessation Programs.

Purpose: to help addicted individuals who want to quit.

Funding allocated to the states from the Tobacco Settlement Trust Fund: $1,000,000,000 for each of the fiscal years 1999 through 2002; $1,500,000,000 for each of the fiscal years 2003 through 2008.

Programs to be funded may include: evidence-based programs designed to assist individuals to stop their use of tobacco products; training for health care providers in cessation intervention methods; efforts to encourage health plans and insurers to provide coverage for evidence-based tobacco use cessation treatment.

5. Research Initiatives to Prevent Tobacco Addiction.

Purpose: To promote tobacco-related research strategies.

The Institute of Medicine will perform an independent study to provide recommendations for tobacco-related research. Tobacco-related research at CDC, NIH, and AHCPR will include investigation of: surveillance and epidemiology of tobacco use; prevention of tobacco use; the science of addiction; cessation strategies.

An interagency council will ensure that: the research strategy is implemented, and that it is modified to take into account new findings; new developments are disseminated to states and communities.

6. National Public Health Education Campaign.

Purpose: To provide for a national public health promotion and health education campaign designed to reduce the use of tobacco products.

III. Standards to Reduce Involuntary Exposure to Tobacco Smoke

The PAST Act will require OSHA to promulgate within 12 months a final rule relating to indoor air quality in industrial and nonindustrial indoor and enclosed work environments.

Ms. COLLINS. Mr. President, I am pleased to join with my colleagues, Senators JEFFORDS and ENZI in introducing the Preventing Addiction to Smoking Among Teens Act.

Tobacco is the No. 1 preventable cause of death in the United States, accounting for more than 400,000 deaths a year and more than $50 billion in health care costs. Clearly the single most effective thing we can do to improve our Nation's health and control health care costs is to stop smoking.

While recent headlines detailing the settlement of multimillion dollar lawsuits against the tobacco industry might delude us into thinking that we are winning the war against tobacco, the facts tell a far different story. Despite extensive public health campaigns linking smoking to heart disease and cancer, smoking rates are actually going up, particularly among our young people. Tragically, addiction is increasingly a ''teen-onset'' disease: in fact, Mr. President, 90 percent of all smokers began smoking before age 21,

What is particularly alarming is that children, especially girls, are smoking at younger and younger ages. Smoking is at a 19-year high among high school seniors and has increased over 35 percent among eighth graders and 43 percent among tenth graders over the last 7 years.

Moreover, of the 3,000 teens who enter the ranks of ''regular smokers'' every day, one-third will die tobacco-related deaths. Mr. President, I am very proud of many of the accomplishments and achievements of my great State of Maine, but there is one area where we do need to do much, much better. The sad fact is that my State of Maine has the dubious distinction of having the highest smoking rate among people age 18 to 34 in the entire United States. In Maine, almost 40 percent of high school students smoke. They purchase 1.4 million packs of cigarettes illegally each year. If this trend continues, more than 31,000 young people in Maine currently under the age of 18 will die prematurely from tobacco-related diseases. If we are to put an end to this tragic yet preventable epidemic, we must accelerate our efforts not only to help more smokers to quit, but also to discourage young people from ever lighting up in the first place.

The Preventing Addiction to Smoking Among Teens Act, which we are introducing today, adopts a comprehensive approach to prevent teens from smoking and builds upon and improves the public health components of the tobacco settlement announced last summer. It is not designed to deal with every question and every issue raised by the settlement. Rather, it focuses on what I believe should be the prime goal of any tobacco settlement, and that is to reduce teen smoking.

Among its provisions, this legislation gives clear and comprehensive authority to the FDA to regulate tobacco products and their components. The tobacco industry will have to turn over all—all—of its documents to the FDA related to cigarette research and health, and the FDA will be able to require the companies to reduce or to eliminate harmful ingredients or to require safer technological improvements through informal rulemaking. Moreover, after 10 years, the FDA could can propose an outright ban on

cigarettes or smokeless tobacco products. However, should such a prohibition be required or undertaken, it would require congressional approval. I think that is appropriate. I think that a decision of that magnitude should come back to Congress.

In my judgment, these provisions represent a marked improvement over last summer's proposed tobacco settlement. The settlement has been criticized for requiring the Food and Drug Administration to go through an arduous formal rulemaking process. Moreoever, unlike the tobacco settlement, our bill does not require the FDA to prove the absence of a black market—which critics have rightly pointed out would be impossible—in order to regulate a product. Finally, to provide the resources necessary for their expanded regulatory powers, the bill requires the FDA to assess a ''user fee'' of $100 million annually on all manufacturers selling FDA-regulated tobacco products in the United States.

The bill also incorporates very important recommendations on combating teenage smoking. It calls for strong warning labels. It calls for a ban on vending machine sales that make tobacco products so available to teenagers, it would ban outdoor advertising and the brand-name sponsorship of sporting events, and it would prohibit the use of images like Joe Camel and the Marlboro Man.

It also, Mr. President, holds the tobacco companies accountable by imposing stiff financial penalties if the smoking rate among children does not decline by 30 percent in 5 years, 50 percent in 7 years, and 60 percent in 10 years. Moreover, under our bill, there is no cap on penalties, and the price goes up the more the companies miss the targets. These are very important, tough new improvements over the proposed settlement.

Our bill incorporates strong measures to ensure that restrictions on youth access to tobacco products are tough and enforceable. It promotes the development of State and community action programs designed to educate the public on addiction and the hazards of tobacco use and to promote the prevention and the cessation of cigarette smoking.

It calls for a national public education campaign to deglamorize the use of tobacco products and to discourage young kids from smoking. And finally, it calls for a comprehensive tobacco related research program to study the nature of addiction, the effects of nicotine on the body, and how to change behavior, particularly that of children and teens.

Mr. President, I believe that the legislation we are introducing today can serve as a basis for broad, bipartisan support to deal with the public health issues that should serve as the foundation for any national health policy in this area.

I look forward to working with Chairman JEFFORDS, Senator ENZI, and my other colleagues on the Labor Committee as Congress deals with this important issue.

Mr. ENZI. Mr. President, I rise today as an original cosponsor of legislation offered by my esteemed colleague from Vermont, Senator JEFFORDS. I appreciate his steady commitment to improving our nation's public health—especially as it relates to the pending global tobacco settlement. I, too, believe that we have an opportunity to dramatically affect the number of current and future smokers through education, research and regulation of tobacco products. It is my belief that the Prevention Addiction to Smoking Among Teens, or PAST Act, is a significant component that accomplishes just that.

The PAST Act is the first piece of legislation fashioned after the global tobacco settlement—reflecting the resolution's public health aspects. I commend the Senator and his staff for working with me on remedying a number of outstanding issues in this bill. I look forward to working closely with my colleague on tightening this legislation as it works its way through the mix.

I do wish to share my thoughts on a number of issues in the global settlement that must not be overlooked. In addition, I would point out that a handful of these issues relating to public health are already addressed in the PAST Act. First, I believe the settlement fails to complement FDA's regulatory role by tapping the expertise of other federal agencies with relative jurisdiction. Second, the look-back provisions prescribed by the global settlement are only geared toward our nation's youth and don't apply to smokers above the age of 18. Third, the settlement focuses largely on reimbursing Medicaid expenditures and ignores enormous Medicare expenditures for smoking related illnesses. Finally, the settlement's overall compensation mechanism fails to address long-term smoking attributed illnesses. In light of these and other inherent difficulties, I am reluctant to embrace the entire global settlement with open arms. We are accepting revenues for past problems and insuring the future without compensation.

Let me first share my concerns regarding the FDA's role. The global settlement would delegate all regulatory authority of tobacco products to the Food and Drug Administration (FDA), including advertising and education. Although I favor FDA being the key regulatory agency of tobacco products, I do not believe the agency needs an annual allocation of $300 million to carry out its obligations—that's nearly 10 times what the FDA requested to enforce its original tobacco rule and one-third the agency's total annual budget. Such funding for one agency could not only foster regulatory abuses, but also stretch FDA's internal resources while simultaneously compounding Congress' oversight responsibilities. Such an approach is nothing more than a blueprint for yet another big government bureaucracy incapable of meeting its alleged purpose. I believe Senator JEFFORDS has acknowledged this predicament in the PAST Act. Rather than allotting $300 million each year for the FDA, the agency would receive $100 million, while other federal agencies with jurisdiction would receive $135 million, with the remaining $65 million going to the states for enforcement. This is a very fairminded approach and we largely avoid an unfunded federal mandate.

Second, the look-back provisions included in the global settlement were written to be applicable to our nation's youth—ages 18 and under. As a result, Senator JEFFORDS' bill only addresses the admirable objective of reducing underage smoking. While I have no problem with setting strict goals for reducing underage tobacco use, I firmly believe that the global settlement and any subsequent legislation should not overlook the need to reduce the overall impact of smoking related illnesses. We must be careful not to lend pride of being an adult to smoking. I appreciate Senator JEFFORDS' commitment to strengthening this section of the PAST Act.

Third, the global settlement fails to address Medicare smoking-attributable expenditures by focusing all of its attention on reimbursing states for Medicaid expenditures. This is a substantial financial oversight in my opinion. In 1995, the Health Care Financing Administration spent $176.9 billion in Medicare payments. Medicare outlays for fiscal 1996 are estimated to be $193.9 billion. Conservatively assuming that only 5 percent of those expenditures were smoking related, the average Medicare expenditures attributable to smoking during 1995–1996 would still amount to $9.3 billion per year, thereby bringing the twenty-five year total to $192.3 billion. This is an astronomical sum that deserves consideration.

Finally, the global settlement's reimbursement structure is dubious at best. It is my belief that Senator JEFFORDS' legislation must receive a sound, long-term financial commitment from the tobacco industry. Under the current settlement, tobacco companies would pay an initial $10 billion, and make annual payments starting at $8.5 billion in the first year and increases to $15 billion in the fifth year of the settlement. While the total estimated payments over 25 years would be $368.5 billion, there is no guarantee under the settlement's structure that the total amount would be collected. Economic conditions could change or tobacco companies could be driven out of business leaving the federal government holding an enormous tab for a very expensive regulatory scheme. Moreover, a large portion of the global settlement total may not even go to reimburse government for the costs of cigarette smoking. The money is designed to fund everything from underage smoking cessation campaigns to

potentially large civil damage awards. The scope of expenditures under the global settlement is too broad and the reimbursement mechanism is too incomplete to warrant Congressional approval.

In the coming weeks, I will continue to advocate an alternative reimbursement mechanism that not only caters to the PAST Act, but compensates for smoking attributed illnesses under the Medicare program as well. Two principles lie at the heart of this alternative approach. First, nonsmoking taxpayers should not be expected to continue footing the bill for what are largely self-induced illnesses. Second, Congress must ensure that the actual compensation fund is solvent for years to come. To these ends, I believe we should give serious thought to a new industry-based approach in which the government determines the costs caused by the manufacturer's product, and then requires the manufacturer and smoker to pay for these costs. Such a program would entirely eliminate smoking-attributed reimbursements from Medicaid and Medicare.

A ''Smoker's Compensation Fund'' of this type could be modeled on the Worker's Compensation Funds already in existence in the states. The proceeds for this fund would come from the tobacco industry, and ultimately from smokers themselves in the form of higher cigarette prices. The tobacco industry's annual contributions to the fund could be tied to the number of occurrences of smoking illnesses—the greater the occurrences, the larger the contribution. Using Worker's Compensation as a model, a rolling multiyear average could form the basis of annual premiums to individuals suffering from smoking-attributed illnesses. This would create an economic incentive for the tobacco companies to take actions to reduce tobacco-related illnesses, thereby driving down the number of smokers over the long-term—a true look-back policy.

Moreover, an industry-based approach would not allow tobacco companies to walk away from long-term smoking attributed illnesses through a total $368.5 billion payment over a 25 year period. Instead, it would administratively make the tobacco companies and the smokers themselves responsible for paying for the medical care of individuals with smoking-related illnesses indefinitely. I believe that the Smoker's Compensation Fund concept would be the best vehicle to provide long-term financial coverage not only for the Medicaid and Medicare programs and smokers of all ages, but for the public health provisions outlined in Senator JEFFORDS' bill being introduced today.

Thank you, Mr. President.

By Mr. FORD:

S. 1649. A bill to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program; to the Committee on Finance.

MEDICAID MANAGED CARE EXEMPTION FOR DISABLED INDIVIDUALS

Mr. FORD. Mr. President, today I am introducing legislation to exempt certain disabled individuals from mandated managed care coverage under Medicaid. During consideration of last year's budget legislation, this issue arose but was not addressed in a satisfactory manner. That legislation provided a broad grant of authority to states to require individuals eligible for Medicaid to enroll in managed care plans. Prior to this change, states were required to obtain waivers from the federal government in order to initiate such cost savings measures which would shift large portions of their Medicaid populations into managed care.

However, states have generally not been interested in shifting certain categories of individuals into managed care, such as individuals in nursing homes or special needs children. In fact, last year's legislation specifically exempted certain categories of special needs children under age nineteen.

Mr. President, I believe for certain categories of individuals it does not make sense to limit this exemption to individuals under age nineteen. For example, mentally retarded individuals receiving Medicaid benefits do not enter into a new health care category once they reach their nineteenth birthday. I believe limiting the exemption for such individuals is arbitrary and unwise policy. My legislation would simply remove the age limitation for severely disabled individuals.

I want to express my thanks to the Voice of the Retarded for their leadership on this issue and their willingness to bring it to my attention. I ask unanimous consent that a letter in support of this legislation from that organization be inserted into the RECORD. I also want to thank Louise Underwood, a constituent of mine who has been a tireless advocate over the years for the rights of mentally retarded and other disabled individuals. It is my hope that this straightforward correction to last year's legislation will be viewed as noncontroversial, and can be enacted into law in the months ahead.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VOICE OF THE RETARDED,
February 3, 1998.

Hon. WENDELL H. FORD,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR FORD: On behalf of all members of Voice of the Retarded (VOR) nationwide, I wish to thank you for your long-standing attention to the many intense needs of society's most-impaired people. More than any other public figure, you have consistently championed the causes of those who cannot speak for themselves. We, their family members and only spokespersons, are eternally grateful to you.

We come once again to seek your assistance in correcting what seems to have been an unintentional oversight in the language of the Balanced Budget Act of 1997.

As you know, the ability of traditional managed care models to meet the unique health care requirements of people with disabilities is uncertain. Congress recognized this when it exempted SSI-eligible special needs children from mandatory managed care provisions of the Balanced Budget Act of 1997. This exemption reconciled the states' interest in maintaining cost control and flexibility in program management with the disability community's concern that managed care would negatively impact access to appropriate specialized health care.

It is our belief that age is an arbitrary, artificial barrier to the provision of health care services. Mental retardation is a lifelong impairment that does not disappear at age 19. We, therefore, respectfully request that you support corrective legislation to ensure that adults with mental retardation can receive the specialized health care that they need throughout their lives unimpaired by managed care.

Thank you for your consideration.

Sincerely,

POLLY SPARE,
President.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1662. A bill to authorize the Navajo Indian irrigation project to use power allocated to it from the Colorado River storage project for on-farm uses; to the Committee on Indian Affairs.

NAVAJO INDIAN IRRIGATION PROJECT LEGISLATION

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that will mean a great deal to the future economic development of the Navajo Nation and to the people in the Four Corners Region of New Mexico, Arizona, Utah, and Colorado.

Mr. President, we are truly fortunate today to have one of the lowest national unemployment rates in recent memory. Unfortunately, the administration's economic juggernaut has not been felt everywhere. While national unemployment rates are below five percent, in my state of New Mexico, unemployment remains stuck at 8%. According to the Bureau of Labor Statistics, New Mexico has the second highest unemployment rate in the country, right behind the District of Columbia.

Regrettably, one of the nation's highest unemployment rates is on the Navajo Indian Reservation, where unemployment is a staggering 50%. The unemployment rate in neighboring San Juan County is 12%, which is more than twice the national average. These statistics should be deeply troubling to all senators. Clearly, there is no region in this country in greater need of targeted economic development. Creating jobs is precisely the purpose of the legislation I am introducing today.

In a nutshell, this bill allows the Navajo Nation's Indian Irrigation Project to use a portion of its existing allocation of federal electric power to help spur economic development and to create good jobs in the region.

Mr. President, in 1962 Congress authorized the construction and operation of the Navajo Indian Irrigation Project. The project has blossomed into a 60,000 acre agricultural enterprise growing potatoes, beans, alfalfa,

wheat, corn and livestock with annual revenues of $36 million. Today, the ''Navajo Pride'' brand name is a hallmark of agricultural quality nationwide. The Tribe's own Navajo Agricultural Products Industry (NAPI) operates this successful all-Indian project. NAPI has a full-time staff of 300. The workforce swells to 1,200 during the summer growing season.

In the 1962 legislation, Congress authorized the Bureau of Reclamation to reserve eighty-seven megawatts of electric power for use by the project. It is clear from the original authorization that the primary purpose of the project was to deliver water for the development of farming and allied industries. The reserved electric power is currently used to pump water to the project and to provide the water pressure needed for irrigation. The original plans called for the use of gravity-fed irrigation; however, the irrigation method was later changed to a more efficient electric-powered center-pivot system. Unfortunately, Congress had not foreseen these improvements and did not specifically authorize the use of federal power to run irrigation sprinklers. In a letter to me dated November 5, 1997, Commissioner Martinez of the Bureau of Reclamation stated that Congress had not provided the bureau with sufficient authority to allow NAPI to use its existing allocation of electric power for anything other than water pumping. Congress simply failed to authorize the use of federal power to run the sprinklers or for processing of the products grown there.

The legislation I am introducing would allow NAPI to use its existing power allocation to run the project's irrigation sprinklers or factories on the reservation that process the agricultural products. This legislation does not increase the amount of power allocated to NAPI—nobody's allocation of electric power is reduced or affected in any way. Moreover, the change would have no cost or other impact on taxpayers.

This legislation is a simple technical change. It clarifies existing congressional language. Moreover, because this is an all-Indian project established by Congress to benefit the Navajo Nation, this legislation does not create a precedent that would apply to any other irrigation project.

This bill has the support of the Bureau of Reclamation. In addition, the Republican Governor of the state of New Mexico and the nearby cities, counties, and electric utility companies support this change because they recognize the economic benefits for the entire Four Corners Region. I would particularly like to acknowledge the City of Farmington and Republican Mayor Thomas C. Taylor for support of the project as reflected in a Memorandum of Understanding between the City and NAPI. In addition, the State of New Mexico has supported this effort with a grant to study water issues and by permitting the Navajo Nation to use state bonding capacity.

Mr. President, Congress must not delay action to help reduce the unacceptable unemployment rates on the Navajo Reservation. This bill is an important step toward creating hundreds of year-round jobs and spurring economic development in San Juan County and the rest of the Four Corners Region. I urge the Chairman of the Energy and Natural Resources Committee to schedule a hearing on this worthy legislation at the earliest possible date.

I ask unanimous consent to have a copy of the bill included in the RECORD along with a copy of the Memorandum of Understanding between the City of Farmington and the Navajo Agricultural Products Industry. I also ask unanimous consent to include in the RECORD letters supporting this legislation from the Bureau of Reclamation; Governor Johnson, the Cities of Farmington and Bloomfield, New Mexico; San Juan County, New Mexico; and the Navajo Tribal Utility Authority.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 1662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) the Navajo Indian irrigation project (in this section referred to as the ''irrigation project'') was authorized for construction and operation as a participating project of the Colorado River storage project by the Act of June 13, 1962, Public Law 87–483, pursuant to plans approved by the Secretary of the Interior on October 16, 1957;

(2) the irrigation project is an all-Indian irrigation project authorized for the primary purpose of delivering water to develop farming and allied industries that benefit the Navajo Nation;

(3) the Bureau of Reclamation has reserved 87 megawatts of power and associated energy from the Colorado River storage project for current and future use on the irrigation project, but currently not more than 25 megawatts of power is being used because the project is only partially completed; while the initial and subsequent plans and authorizing legislation for the irrigation project allow power to be used to deliver water to the irrigation project by canals and to lift water to heights sufficient to pressurize the sprinkler delivery system, clarification is necessary to approve the use of power for on-farm uses such as for powering center-pivot irrigation systems or for related agricultural industry purposes; and

(4) the irrigation project is of vital economic importance to the Navajo Nation, and substantial economic development for the Four Corners Region and the Navajo Nation could be realized if a portion of the 87 megawatt power allocation were made available by the Bureau of Reclamation for powering center-pivot irrigation systems and for related agricultural industry purposes.

SEC. 2. USE OF POWER.

The first section of the Act of June 13, 1962 (Public Law 87–483; 76 Stat. 96) is amended by adding at the end the following: ''The Navajo Indian irrigation project may use its allocation of 87 megawatts of power from the Colorado River storage project for water delivery, on-farm production, and related agricultural industry purposes.''.

NAVAJO AGRICULTURAL PRODUCTS INDUSTRY AND CITY OF FARMINGTON—MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (Agreement), between the Navajo Agricultural Products Industry (NAPI) and the City of Farmington (City), New Mexico, sometimes referred to as the Parties, sets forth the terms and conditions to clarify conflicting interests in delivery of electrical service to the Navajo Agricultural Products Industry.

Whereas, NAPI seeks the support of the City for the use of Other Priority Use Power for the development of the proposed french fry factory which will require a legislated Change in Purpose; and

Whereas, the City of Farmington recognizes and agrees with NAPI that the development of the french fry factory will have positive economic impact for the Navajo Nation, the City and San Juan County; that the french fry factory will create over 600 jobs; and, that it will require the development of three additional agricultural blocks which will have an important and positive long range influence on the economic development of the region; and

Whereas, NAPI's General Manager Lorenzo Bates and the City's Mayor Thomas C. Taylor met on November 21, 1997, to resolve outstanding issues which have arisen regarding NAPI's legislative request for a Change in Purpose of NAPI's Colorado River Storage Project (CRSP) Project Use Power allocation.

Therefore, as a result of the meeting the Parties agree as follows:

1. NAPI agrees to continue to utilize electric power provided by the City for its center pivots located in the City's service area;

2. The use and amount of such service to the center pivots shall remain similar to the amount used by NAPI at the signing of this Agreement and shall continue until the City implements customer choice in its service area;

3. This Agreement will be applicable and bind any person, corporation, or entity which may purchase or acquire through any means the Farmington Electric Utility System (FEUS).

In consideration of NAPI's promises and covenants, the City agrees as follows:

1. To support NAPI's request for a legislative Change in Purpose of a remaining portion of their eighty-seven megawatts (87 mW) of CRSP allocation of federal power to be used to supply electricity to the proposed french fry plant;

2. To provide additional support through letters, communications and action which will facilitate the development of the french fry factory and is not contradictory to policy decisions the City has made; and

3. To review the FEUS rates for electric service within the next two years and make an effort to offer competitive rates for center pivot operations.

By this acknowledgment, the Parties agree to abide by the terms of this Agreement.

NAVAJO AGRICULTURAL PRODUCTS INDUSTRY.
CITY OF FARMINGTON.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, DC, November 5, 1997.

Hon. JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: Thank you for your May 8, 1997, letter co-signed by the New Mexico and Arizona Congressional delegation, regarding the use of Federal power for the Navajo Agricultural Products Industry's (NAPI) center pivot irrigation system and industrial uses. The Bureau of Reclamation (Reclamation) has no express authority to

allow the use of project power for these proposed on-farm uses. Although Reclamation might have implicit authority which would allow for the use of project power in the manner requested, such an interpretation would not be consistent with the past instances of Reclamation practice. While we will continue to review the matter, given the lack of express authority, legislation to resolve the matter conclusively and expeditiously may be appropriate.

The sale of Federal power from a Reclamation project is governed by general Federal Reclamation law and authorizing acts for specific projects. Reclamation may provide power only for the uses authorized by Congress. Power is sold either as project power at the project,[1] or for other uses, on or off the project (non-project power). The Navajo Indian Irrigation Project (NIIP) was authorized for construction and operation as a participating project of CRSP by Public Law 87–483 passed on June 13, 1962, pursuant to plans approved by the Secretary of the Interior on October 16, 1957. Although NIIP is an Indian irrigation project, it is subject to Federal Reclamation law as provided by Section 4 of the Colorado River Storage Project Act of April 11, 1956. The planning and authorization documents, along with subsequent planning reports, indicate that project power was intended to accommodate delivery of water to the farm by canals and by lifting water to heights sufficient to pressurize the sprinkler irrigation delivery system. No specific indication is made that project power would be available to run center pivot irrigation systems or for on-farm municipal and industrial uses, however, it is clear that the primary purpose of the project is to deliver water for the development of farming and allied industries.

Reclamation has reserved 87 Megawatts (MW) of project power from the CRSP for current and future use on the NIIP for authorized purposes. Although as you point out in your May 8, 1997, letter, the terms of the 1990 interagency agreement and revisions agreed to by the Western Area Power Administration, Reclamation, and NAPI provide that NAPI can use other Priority Use Power for sprinkler irrigation and industrial uses, specific Congressional authority for such uses does not exist and therefore legislation making such authority clear would be appropriate. As development of NIIP continues, there are increasing opportunities for application of various conservation measures with attendant energy saving. With specific Congressional authorization, we believe that overall power usage, including the proposed on-farm uses can be accommodated within the present 87 MW allocation.

If you desire to discuss these matters further, please contact Arlo Allen at (801) 524–3612.

Sincerely,

ELUID L. MARTINEZ,
Commissioner.

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Santa Fe, NM, February 11, 1998.

Hon. JEFF BINGAMAN,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.

Hon. PETE V DOMENICI,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.

DEAR SENATOR BINGAMAN AND SENATOR DOMENICI: It is with pleasure that I give my support to the Navajo Agricultural Products Industry French Fry Plant. This project offers great opportunities for self-sufficiency and economic development for the Navajo Nation, City of Farmington, San Juan County and the State of New Mexico, as well as the Navajo Agricultural Product Industry. The creation of up to 500 plant jobs and another 100 farming jobs will benefit the community and the state. We commend everyone involved for the collaboration between state, federal, local and tribal agencies to make the french fry project a reality.

The Department of Economic Development has been heavily involved in this project for several years and spearheaded the effort to pass a new law to allow Nations, Tribes and Pueblos access to the New Mexico Finance Authority bonding capacity. I supported and signed into law this piece of legislation. The New Mexico Department of Environment also gave a grant to the Navajo Nation of $200,000 to study water issues for the french fry factory. The funding for the study came through the State Legislature with my full support In 1997, the New Mexico Legislature and my administration worked to pass legislation to further assist the Navajo Nation recruit the french fry factory to NAPI.

Sincerely,

GARY E. JOHNSON,
Governor.

CITY OF FARMINGTON,
OFFICE OF THE MAYOR,
Farmington, NM, February 10, 1998.

Mr. LORENZO BATES,
General Manager, Navajo Agricultural Products Industry, Farmington, NM.

DEAR MR. BATES: Based upon information received from the Navajo Agricultural Products Industry (NAPI), the Navajo Tribal Utility Authority (NTUA) and Senator Bingaman's office, the City of Farmington (City) understands that the location of the proposed french fry plant will straddle the area served by NTUA and the City of Farmington's electric utility. Furthermore, our understanding is that the electricity required for the french fry plant will be provided from resources available to NAPI under the Interagency Agreement among NAPI and the US Department of Interior—Bureau of Indian Affairs and the US Department of Interior—Bureau of Reclamation and the US Department of Energy—Western Area Power Administration, Colorado River Storage Project and that NTUA proposes to build the transmission/distribution system necessary to deliver such resources to NAPI.

In order for NAPI to have access to the resources under the Agreement referred to above, it is necessary to have legislation introduced which will provide for a change in purpose for the use of the project power. Senator Bingaman's office is intending to introduce that legislation in the Senate during the latter part of February, 1998. The City of Farmington, in accordance with the Memorandum of Understanding between NAPI and the City dated December 10, 1997, supports NAPI's request for a legislative Change in Purpose of a remaining portion of the eighty-seven megawatts (87mW) of CRSP allocation of federal power to be used to supply electricity to the proposed french fry plant.

Sincerely,

THOMAS C. TAYLOR,
Mayor.

CITY OF FARMINGTON,
OFFICE OF THE MAYOR,
Farmington, NM, January 8, 1998.

LORENZO BATES,
General Manager, NAPI, Farmington, NM.

DEAR LORENZO: The City of Farmington supports and encourages the development of the potato processing facility at NAPI. This project has the potential of creating numerous job opportunities for a large, unemployed segment of the population. In the City's application to the Empowerment Zone/Enterprise Community program we attempted to focus on job creation in areas south of our city where residents live far below the poverty standards. This project is the best opportunity for Navajo employment in that area.

Sincerely,

THOMAS C. TAYLOR,
Mayor.

CITY OF BLOOMFIELD,
Bloomfield, NM, February 6, 1998.

Senator JEFF BINGAMAN,
Hart Office Building, Washington, DC.

RE: Navajo Agricultural Products Industry (NAPI)—Potato Processing Plant

DEAR SENATOR BINGAMAN: The City of Bloomfield has been supportive of NAPI since its inception and in particularly supportive of its efforts to develop a ''potato processing plant''. We understand that Legislation is being prepared to allow NAPI to utilize WAPA Power for the plant and other purposes. We therefore, request your support of this Legislation.

As you are well aware, the Navajo Nation has a 49% unemployment rate on the reservation, therefore we feel that the development of the potato processing plant is of utmost importance to the Navajo Nation, San Juan County and the City of Bloomfield.

On behalf of myself and the City Council I would like to reaffirm the City's support for what can only be an economic benefit to all the citizens in Northwest New Mexico.

Sincerely,

SAM MOHLER,
Mayor.

SAN JUAN COUNTY,
Aztec, NM, February 6, 1998.

Hon. JEFF BINGAMAN,
Hart Senate Office Building, Washington, DC.

Re: Navajo Agriculture Products Industry (NAPI)—Potato Processing Plant

DEAR SENATOR BINGAMAN: San Juan County has been supportive of the NAPI's ''Potato Processing Plant'' since its inception. On numerous occasions we have met with Mr. Lorenzo Bates of NAPI and our legislative delegation to attempt to bring this project to fruition.

The Navajo Nation has a 49% unemployment rate on the Reservation and because of this, we feel that the Potato Processing Plant is of upmost importance to the County.

On behalf of myself and the San Juan County Commission, I would like to reaffirm the County's support for what I feel will be an economic benefit to all the citizens in San Juan County.

Please let us know if we can be of further assistance.

Sincerely,

TONY ATKINSON,
County Manager.

NAVAJO TRIBAL UTILITY AUTHORITY,
Fort Defiance, AZ, February 10, 1998.

Hon. JEFF BINGAMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Re: Navajo Indian Irrigation Project On Farm Use of Colorado River Storage Project Power

DEAR SENATOR BINGAMAN: The Navajo Tribal Utility Authority, the public agency and enterprise of the Navajo Nation which provides power and energy to consumers within the Navajo Indian Reservation, has been advised of the possibility of legislation which would authorize the use of an existing allocation of 87 megawatts of Colorado River Storage Project Power for certain on farm uses, including center pivot sprinkler irrigation and for processing agricultural products for consumer use.

[1] There are two types of project power, ''project use power'' and ''priority use power.''

The Utility Authority supports the proposed legislation which clarifies the availability of this power for on farm uses. The Navajo Indian Irrigation Project has for many years been delayed in its completion and the allocation of power, originally made on the basis of a flood irrigation arrangement, may not be totally used for many, many years.

Since the promised benefits for agreement to share water shortages have not materialized as expected, it seems appropriate to suggest that, in some small measure, passage of this legislation would attempt to address the many delays which have consistently plagued the Navajo Indian Irrigation Project.

The Authority recognizes that the initial allocations of ''project use'' power to the Irrigation Project did not specifically mention sprinkler irrigation by center pivot methods nor the development of municipal or industrial uses on the farm. However, these activities must have been contemplated within the plan for the development of a 110,000 acre irrigation farm for the Navajo Nation.

As the current serving utility for a substantial portion of the Irrigation Project, the Authority supports enactment of the legislation by the Congress.

Very truly yours,

MALCOLM P. DALTON,
General Manager.

ADDITIONAL COSPONSORS

S. 153

At the request of Mr. MOYNIHAN, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 153, a bill to amend the Age Discrimination in Employment Act of 1967 to allow institutions of higher education to offer faculty members who are serving under an arrangement providing for unlimited tenure, benefits on voluntary retirement that are reduced or eliminated on the basis of age, and for other purposes.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 361

At the request of Mr. JEFFORDS, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 361, a bill to amend the Endangered Species Act of 1973 to prohibit the sale, import, and export of products labeled as containing endangered species, and for other purposes.

S. 389

At the request of Mr. ABRAHAM, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 412

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 850

At the request of Mr. AKAKA, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 850, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 887

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from California [Mrs. BOXER] and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 1096

At the request of Mr. KERREY, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1147

At the request of Mr. WELLSTONE, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1147, a bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide for nondiscriminatory coverage for substance abuse treatment services under private group and individual health coverage.

S. 1180

At the request of Mr. KEMPTHORNE, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1180, a bill to reauthorize the Endangered Species Act.

S. 1252

At the request of Mr. REED, his name was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1260

At the request of Mr. GRAMM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1286

At the request of Mr. JEFFORDS, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Maine [Ms. SNOWE], the Senator from Maine [Ms. COLLINS], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 1286, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain amounts received as scholarships by an individual under the National Health Corps Scholarship Program.

S. 1287

At the request of Mr. JEFFORDS, the name of the Senator from Maine [Ms. COLLINS] was withdrawn as a cosponsor of S. 1287, a bill to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

S. 1311

At the request of Mr. LOTT, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1311, a bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles.

S. 1365

At the request of Mr. SARBANES, his name was added as a cosponsor of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1461

At the request of Mr. LAUTENBERG, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1461, a bill to establish a youth mentoring program.

S. 1504

At the request of Mr. GRAHAM, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 1504, a bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States.

S. 1578

At the request of Mr. MCCAIN, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1578, a bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site.

S. 1605

At the request of Mr. LEAHY, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 1605, a bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

S. 1618

At the request of Mr. MCCAIN, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 1618, a bill to amend the Communications Act of 1934 to improve

the protection of consumers against ''slamming'' by telecommunications carriers, and for other purposes.

SENATE JOINT RESOLUTION 40

At the request of Mr. HATCH, the names of the Senator from Oklahoma [Mr. NICKLES] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of Senate Joint Resolution 40, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. GREGG, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Concurrent Resolution 55, a concurrent resolution declaring the annual memorial service sponsored by the National Emergency Medical Services Memorial Service Board of Directors to honor emergency medical services personnel to be the ''National Emergency Medical Services Memorial Service.''

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. LOTT, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of Senate Concurrent Resolution 71, a concurrent resolution condemning Iraq's threat to international peace and security.

SENATE RESOLUTION 148

At the request of Mr. DOMENICI, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Illinois [Mr. DURBIN], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of Senate Resolution 148, a resolution designating 1998 as the ''Onate Cuartocentenario'', the 400th anniversay commemoration of the first permanent Spanish settlement in New Mexico.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the names of the Senator from Maine [Ms. SNOWE] and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Resolution 155, a resolution designating April 6 of each year as ''National Tartan Day'' to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 168

At the request of Mr. HUTCHINSON, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Resolution 168, a resolution expressing the sense of the Senate that the Department of Education, States, and local educational agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms.

SENATE RESOLUTION 171

At the request of Mr. SPECTER, the names of the Senator from Rhode Island [Mr. REED], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Washington [Mrs. MURRAY], the Senator from California [Mrs. FEINSTEIN], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of Senate Resolution 171, a resolution designating March 25, 1998, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.''

SENATE RESOLUTION 174

At the request of Mr. ROTH, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Senate Resolution 174, a resolution to state the sense of the Senate that Thailand is a key partner and friend of the United States, has committed itself to executing its responsibilites under its arrangements with the International Monetary Fund, and that the United States should be prepared to take appropriate steps to ensure continued close bilateral relations.

AMENDMENT NO. 1397

At the request of Mr. BYRD, the names of the Senator from Connecticut [Mr. DODD] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Amendment No. 1397 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

SENATE CONCURRENT RESOLUTION 76—ENFORCING THE EMBARGO ON THE EXPORT OF OIL FROM IRAQ

Mr. MURKOWSKI submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 76

Whereas hostilities in Operation Desert Storm ended on February 28, 1991, and the cease fire was codified in United Nations Security Council Resolutions 686 (March 2, 1991) and 687 (April 3, 1991);

Whereas United Nations Security Council Resolution 687 requires that international economic sanctions, including an embargo on the sale of oil from Iraq, remain in place until Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities;

Whereas Resolution 687 further established the United Nations Special Commission (UNSCOM) on Iraq to uncover all aspects of Iraq's weapons of mass destruction program;

Whereas, despite the sustained opposition of the Government of Iraq, UNSCOM has discovered many instances of inaccurate actions by Iraq concerning Iraqi ballistic missile capabilities and chemical and biological programs;

Whereas Security Council Resolution 986 (April 14, 1995) partially lifted international economic sanctions by allowing Iraq to sell $1 billion in oil every 90 days, the proceeds of which are designed, in part, for humanitarian assistance to the people of Iraq;

Whereas a report by the Secretary General of the United Nations submitted on February 2, 1998 recommends further easing of economic sanctions by allowing Iraq to sell $5.2 billion in oil every six months;

Whereas the United States has indicated it will support the easing of further economic sanctions proposed by the UN Secretary General;

Whereas revenues from oil exports have historically represented nearly all (95 percent) of Iraq's foreign exchange earnings;

Whereas in the year preceding hostilities in Operation Desert Storm, Iraq's export earnings totaled $10.4 billion;

Whereas Iraq, since the end of Operation Desert Storm, has been steadily increasing exports of oil to Jordan from 60,000 to 80,000 barrels per day and in December 1997, agreed to increase such shipments to approximately 96,000 barrels per day;

Whereas Iraq has been able to circumvent international economic sanctions by exporting oil to Turkey;

Whereas the Multinational Interdiction Force that conducts maritime searches in the Persian Gulf has reported that exports of contraband Iraqi oil through the Gulf have increased seven-fold in the past year, from $10 million in diesel fuel sales in 1996 to $75 million in 1997;

Whereas Iraq's military capabilities, including its capacity to produce weapons of mass destruction, are significantly enhanced by its ability to earn foreign exchange primarily from oil exports;

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns in the strongest possible terms the continued threat to international peace and security posed by Iraq's refusal to meet its international obligations and end its weapons of mass destruction programs;

(2) urges the Administration to oppose any further weakening of economic sanctions including extension of, or expansion of, United Nations Security Council Resolution 986;

(3) urges the President to propose to the United Nations Security Council measures to significantly tighten the international embargo on the sale of oil from Iraq, including efforts to strengthen the Multi-lateral Interdiction Force and inspection operations near the Port of Basra;

(4) urges the President to enter into negotiations with oil producing nations in the Gulf to encourage them to make subsidized sales of oil to Jordan;

(5) urges the President to submit a report to Congress 30 days before the UN is authorized to consider renewing Iraq's authority to export oil setting forth a detailed accounting for the disposition of the proceeds of UN authorized sales of oil from Iraq.

Mr. MURKOWSKI. Mr. President, I rise to submit a concurrent resolution addressing the international sanctions regime that has been in place against Iraq since the end of the Persian Gulf war. As we all know, there has been a great deal of deliberation in this Chamber relative to potential action that might be initiated by our Government against Iraq. And there is a feeling of, I think, growing concern as to just what type action we might take and what it will accomplish.

But, Mr. President, I think I bring a different approach to this dilemma. As we acknowledge the risk of the approach to this dilemma. As we acknowledge the risk of the approaching confrontation with Iraq that has been brought about by Saddam Hussein's continuing unwillingness to allow the U.N. inspectors the right to inspect the facilities in Iraq, what we also know is that Saddam Hussein is very likely continuing to manufacture and develop weapons of mass destruction, probably of a biological nature.

I was in Iraq in the early 1980s with a number of Senators and had an opportunity to visit with Saddam Hussein before the Persian Gulf war. It was clear from that meeting that we had a very unusual personality, one who is dangerous and clearly unpredictable.

As a consequence, we find ourselves in the position that until the U.N. inspectors are allowed unfettered access to the facilities in Iraq, the world will continue to be held hostage to the destructive and threatening tendencies of Saddam Hussein.

With the world's economy so heavily dependent on the free flow of oil from the Mideast, so long as these weapons of mass destruction exist, the economic stability of every nation in the world is somewhat at risk. Make no mistake about it, Mr. President, the Persian Gulf war was a war to ensure that Saddam did not take over the oil fields of Kuwait. That was Saddam's objective. It was a war about oil and the necessity of keeping oil flowing to the free markets of the world.

So, Mr. President, one question that seems to be lost in the debate is, how—how—has Saddam been able to obtain the technology and the resources to construct facilities capable of producing poison gas and biological weapons? The U.N. economic embargo has been in place for 7 years, but somehow—somehow—he appears to have been able to maintain a cash flow to purchase the necessary technology for building these laboratories of death.

Just this morning, the Washington Post is reporting that U.N. inspectors have uncovered evidence that in 1995 the Russian Government may have entered into a multimillion dollar deal to sell Iraq specialized fermentation equipment that could be used to develop biological weapons. If this story turns out to be true, Russia's credibility in its alleged efforts to broker a diplomatic solution to the current crisis could be seriously called into question.

More importantly, the question remains, how could Iraq have financed this deal? Well, surely the Russians were not going to sell such equipment in exchange for worthless Iraqi dinars. The deal had to be financed with dollars, had to be financed with hard currency. But how could Iraq amass millions in hard currency in the face of 7 years of U.N. sanctions?

Well, Mr. President, there is only one answer. It is an obvious one. The only mechanism that Iraq has to enable it to gain hard currency is to export its oil. There is virtually nothing else, besides dates and some agriculture products, that Iraq has to export.

Prior to the U.N. sanctions in 1990, Iraq had exports of $10.4 billion. Of that amount, more than 95 percent—or almost $10 billion—was derived from oil exports. Clearly, Iraq's capacity to purchase equipment in the world market to develop weapons of mass destruction is directly linked to its ability to sell oil, and only oil.

Ever since the gulf war ended, Iraq has been shipping oil into Jordan. Initially, Jordan received about 60,000 barrels of Iraqi oil a day. That figure has recently climbed to over 80,000 barrels a day, and in an agreement reached in December, the oil trade between Iraq and Jordan is scheduled to climb to 96,000 barrels a day.

Although the Jordanians claim that the oil is traded for food and medicine, I personally find it hard to believe that, with millions of dollars worth of oil and products daily crossing the Iraq/Jordanian border, that some of that oil is not leaking into the world market or that hard currency and sophisticated machinery are not flowing back into Iraq. As a matter of fact, we know that oil is leaking out.

Moreover, there is a great deal of evidence that Iraqi oil is being shipped across the border into Turkey. Dollars are surely being traded in exchange for the oil, and those dollars are likely to be used to finance Saddam's factories of death.

In addition, Mr. President, the Multinational Interdiction Force, the MIF, that conducts maritime searches in the Persian Gulf reported factually last fall that exports of contraband Iraqi oil through the gulf and jumped sevenfold in the past year, from $10 million in diesel fuel sales in 1996 to $75 million in 1997. Much of that oil is believed to be transshipped through Iran and the United Arab Emirates and on to the world market.

What does Saddam do with the revenues from those contraband sales? Well, he keeps his weapons factories running, keeps the Republican Guards well armed and fed.

Mr. President, the United States has been concerned about the hardships, of course, that the economic sanctions have imposed on the people of Iraq. Our conflict is not with the Iraqi people; it is with the dictator who has run that country for some 19 years while depriving the people of the basic dignities of life and slaughtering some tens of thousands of minority citizens of Iraq.

In 1995, the United States supported a fundamental weakening of the economic sanctions against Iraq. We supported a resolution permitting Iraq to sell $1 billion worth of oil every 90 days under the oil-for-food program. I believe this was a weakening of the sanctions, and as a consequence was a mistake.

What this has done is it has allowed Saddam to import food and medicine for the Iraqi people, which is true and certainly worthy, but it has also made it far easier for Saddam to divert some of the investment billions that he has hidden in accounts around the world. Prior to the oil-for-food program, Saddam had to use these investment profits to import food and medicine. The oil-for-food program frees up his investment profits to purchase equipment that can enhance all of his weapons capabilities, including his capacity to manufacture weapons of mass destruction.

Mr. President, I believe that the United States must make every effort now to ensure that Saddam cannot use his oil assets to obtain more hard currency for weapons programs. That is why I am introducing the resolution today. The resolution specifically urges the President to oppose any measure that weakens the international sanctions that permit Iraq to export oil.

Recently, the Secretary-General of the United Nations recommended a significant easing of the Iraq sanctions and proposed that Iraq be permitted to sell more than twice as much oil as is currently permitted. Under this proposal, Iraq could conceivably sell $10.4 billion worth of oil in a single year. I was shocked to learn that this administration has indicated it would support this unwarranted expansion of Iraqi oil exports. Mr. President, if this U.N. proposal is adopted we might just as well end all sanctions on Iraq. Mr. President, $10.4 billion dollars was the amount of oil that Iraq exported before her invasion of Kuwait. Are we going to allow Iraq to to return to that level of exports and still retain a public stance in support of sanctions? That proposal makes a mockery of the sanctions.

My concurrent resolution would also urge the President to develop measures that will tighten the oil embargo on Iraq and prevent the leakage into the would marketplace that we have seen over the past few years. It also urges the President to try and convince both the Governments of Kuwait and Saudi Arabia to end their boycott of Jordan and begin making subsidized oil sales to Jordan to replace the Iraqi oil. The Jordanian border is one of the most porous in the Middle East and the Jordanians are forced to trade with Iraq primarily because the Saudis and Kuwaitis will not sell Jordan oil. That policy may have made sense immediately after the gulf war but today it must be reconsidered. If we can replace 96,000 barrels of oil that Jordan imports from Iraq, we will have made a significant step toward tightening the flow of dollars to Iraq.

Mr. President, oil is the key to controlling the future military capacity and capabilities of Iraq, and we must move more vigilantly in our efforts to stop the leakage of Iraqi oil onto the would market if we are going to contain Saddam Hussein.

Mr. President, let me again highlight the specifics of the resolution I just introduced. The resolution urges the administration to oppose any further weakening of economic sanctions against Iraq. The resolution urges the President to propose to the United Nations measures to significantly tighten the international embargo on the sale of oil from Iraq, including efforts to strengthen the multilateral interdiction force so that these illegal shipments can be stopped. And finally, the resolution urges the President to enter into negotiations with oil producing

nations in the gulf to encourage these nations to make subsidized sales of oil to Jordan.

Mr. President, recognizing the concern that we all share over developments in Iraq since the Persian Gulf war, we are faced with the necessity to take a hard look at our options. One option is the strategic bombing of the sites where we believe we have enough information to satisfy ourselves that a strike will have a meaningful impact. On the other hand, strategic bombing is likely to result in television shots of injured children and women that undoubtedly will be placed as human shields around strategic sites in Iraq.

Another option is the use of ground forces to back up an air campaign to try and take out Saddam Hussein himself. Although the United States has significant resources, there is a recognition that a ground strike under current circumstances is unlikely given the increasing likelihood that American solders would lose their lives. Of course there is also the unanswered question of what we would do if Saddam survived such an attack?

With either of these options we must address the reality that we do not have the multilateral coalition which included our Arab neighbors that we had when the Bush administration initiated Desert Storm. I think it is unfortunate that this administration has not maintained that coalition. So now we are pretty much alone. Great Britain, Canada and Australia are with us, and for that we are grateful, but from there on it gets pretty lonesome.

Going it alone or going it with others, we still must talk about the end game. If Saddam Hussein survives, do we continue these same efforts in another few years? Are we going to give Saddam Hussein carte blanche in his ability to recover? Because he will recover by selling oil. That is what he has.

Saddam Hussein has been able to generate roughly $1 billion per quarter from the sale of oil. There is information—and unfortunately I can't reveal some of the information because it is classified—concerning the large amount of illegal oil that is flowing out of Iraq. And we are not able to stop this flow both because there are not enough multilateral intervention force (MIF) vessels in the area and because the rules of engagement under which the MIF forces operate don't allow them to stop such illegal movement.

It is these illegal sales that are primarily fueling Iraq's economy. Mr. President, it simply makes sense to this Senator to recognize that oil is the lifeblood of Iraq. We need to shut off this lifeblood, maybe through a combination of increased enforcement of the embargo and jawboning some of our allies who are purchasing Iraq's oil. Perhaps we need to go further, and consider the merits of a maritime blockade of some sort. A blockade certainly is not an unreasonable alternative when you consider that we might initiate a military action against Saddam. Stop Saddam Hussein's oil and you shut down his ability to funnel resources into his war machine and the economy, and ultimately, I think his regime will collapse.

As a Congress, we must address the issue of oil sales and we must do it in a prompt manner. I believe we must terminate these illegal sales of oil and we must be more vigilant in our oversight to ensure that the oil that is allowed to be sold under the sanctions and the dollars generated are really going for the benefit of the people and their social needs. That is the basis of my resolution. We must stop Saddam Hussein's ability to fund his war machine by cutting off his ability to supply the markets with Iraqi oil. That is an action that we should have taken some time ago.

I urge my colleagues to consider the merits of my concurrent resolution. It is certainly appropriate to consider this action as we address the merits of any further military action that might be contemplated to stop Saddam from whatever his ultimate objective is. Cut off his oil and you are going to get his attention.

SENATE CONCURRENT RESOLUTION 77—RELATIVE TO THE FEDERAL GOVERNMENT

Mr. SESSIONS submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 77

Whereas studies have found that quality child care, particularly for infants and young children, requires a sensitive, interactive, loving, and consistent caregiver;

Whereas most parents meet and exceed the aforementioned criteria, circumstances allowing, parental care marks the best form of child care;

Whereas the recent National Institute for Child Health and Development study found that the greatest factor in the development of a young child is ''what is happening at home and in families'';

Whereas a child's interaction with his or her parents has the most significant impact on their development, any Federal child care policy should enable and encourage parents to spend more time with their children;

Whereas 48 percent of mothers with preschool children under the age of 5 are full-time at-home parents and another 34 percent of mothers work part-time in order to spend more time with their preschool children;

Whereas a large number of low- and middle-income families sacrifice a second full-time income so that the mother may be at home with her child;

Whereas the average income of 2-parent families with a single income is $20,000 less than the average income of 2-parent families with two incomes;

Whereas only 30 percent of preschool children are in paid child care and the remaining 70 percent of preschool children are in families that do not pay for child care, many of which are low- to middle-income families struggling to provide child care at home;

Whereas child care proposals should not provide financial assistance solely to the 30 percent of families that pay for child care and should not discriminate against families in which children are cared for by an at-home parent; and

Whereas any congressional proposal that increases child care funding should provide financial relief to families that sacrifice an entire income in order that a mother or father may be at home for their young child: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes that—

(1) many American families make enormous sacrifices to forgo a second income in order to have a parent care for their child at home;

(2) there should be no bias against at-home parents;

(3) parents choose many legitimate forms of child care to meet their individual needs—an at-home parent, grandparent, aunt, uncle, neighbor, nanny, preschool, or child care center;

(4) child care needs of at-home parents and working parents should be given careful consideration by the Congress;

(5) any quality child care proposal should reflect careful consideration of providing financial relief for those families where there is an at-home parent; and

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SENATE RESOLUTION 176—PROCLAIMING ''NATIONAL CHARACTER COUNTS WEEK''

Mr. DOMENICI (for himself, Mr. DODD, Mr. COCHRAN, Ms. MIKULSKI, Mr. BENNETT, Mr. LIEBERMAN, Mr. KEMPTHORNE, Mr. DORGAN, Mr. FRIST, and Mr. CLELAND) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 176

Whereas young people will be the stewards of our communities, Nation, and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character;

Whereas concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of the Nation;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and that character counts in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character;

Whereas the Senate encourages students, teachers, parents, youth, and community leaders to recognize the valuable role our youth play in the present and future of our

Nation and to recognize that character is an important part of that future;

Whereas in July 1992, the Aspen Declaration was written by an eminent group of educators, youth leaders, and ethics scholars for the purpose of articulating a coherent framework for character education appropriate to a diverse and pluralistic society;

Whereas the Aspen Declaration states, ''Effective character education is based on core ethical values which form the foundation of democratic society.'';

Whereas the core ethical values identified by the Aspen Declaration constitute the 6 core elements of character;

Whereas the 6 core elements of character are trustworthiness, respect, responsibility, fairness, caring, and citizenship;

Whereas the 6 core elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the Aspen Declaration states, ''The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character.'';

Whereas the Senate encourages individuals and organizations, especially those who have an interest in the education and training of our youth, to adopt the 6 core elements of character as intrinsic to the well-being of individuals, communities, and society as a whole; and

Whereas the Senate encourages communities, especially schools and youth organizations, to integrate the 6 core elements of character into programs serving students and children: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of October 18 through October 24, 1998, as ''National Character Counts Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to embrace the 6 core elements of character and to observe the week with appropriate ceremonies and activities.

NATIONAL CHARACTER COUNTS WEEK

Mr. DOMENICI. Mr. President, fellow Senators, today, for the fifth consecutive year I am going to submit a resolution on behalf of myself, Senators DODD, COCHRAN, BENNETT, LIEBERMAN, MIKULSKI, KEMPTHORNE, DORGAN, FRIST, and CLELAND. This resolution that we have introduced 5 consecutive years sets aside the week of October 18–24 of this year for what we call National Character Counts Week.

About 6½ years ago, a very distinguished group of Americans from all walks of life met for 3 or 4 days to talk about the character of America and the character of American people and decided after 3 days of debate that there were, in fact, six pillars of character. If these pillars could permeate our society and our children, we would all be better for it, America would be better for it and, most of all, our lives would be better for it.

These six pillars were determined at that point in time and they have remained ever since as trustworthiness, respect, responsibility, fairness, caring, and citizenship. They are referred to as the six pillars of character.

Mr. President and fellow Senators, when one looks at what has developed in these years, to help our teachers—be they in private or public schools—talk to students and teach them about these six pillars, it is obvious that these are basic concepts, basic ideas that hardly anyone in America would disagree with. That is not to say that anybody is preaching, but would we not like our children to learn the value of honesty? That is what trustworthiness is. Would we not like our young children and even our business community to be cognizant of and practice respect? And would we not want, as our children grow and as people begin to understand what holds a country together, would we not want responsibility to become part of the vocabulary of every child, every young person?

I can go through all six, and I can find different words to express each of the six. It is obvious, however, if you move throughout the State of New Mexico or the State of Georgia—I note my good friend, Senator CLELAND is here—if you ask a group of people from all walks of life, various religions, various degrees of faith, even agnostics: ''Do you object to our young people learning trustworthiness, respect, responsibility, fairness, caring, citizenship?'', you rarely get a negative response.

Now, this six pillars-character approach is spreading throughout our country, and those who came up with the idea and the foundation which has the right to use these pillars of character do not intend to impose from on high; rather they ask that individuals, schools, leaders, organizations such as the Boy Scouts, NFL player groups, adopt these six pillars and then do something about them.

I would be less than honest if I did not tell you the place these six pillars are spreading most rapidly is the right place—in the schools. Teachers are excited, believe it or not. Some have expressed to me they are now permitted to do what they always thought they should do but because we got all mixed up in terms of what you couldn't do in a classroom, these kind of lessons were left out. It now seems that without much objection, many school boards have said let's do it. Teachers are trying to permeate the halls, the classrooms, the meeting rooms and the minds of young people with these six pillars.

I will in my prepared remarks talk just a little bit about my State, the State of New Mexico. We organized partnerships with a number of mayors, the Governor joined, and we have now about 90 percent of all the schoolchildren in the State of New Mexico, parochial and private, that are exposed and taught and work with these six pillars—not some other words that describe it—these six words.

So there is a commonality now of usage of words. A commonality of examples that are used. Mr. President, you might have been thrilled to go to a grade school in New Mexico with me on a given day when the pillar called ''responsibility'' had been the subject matter in that school for one month. The way a significant number of schools do it is take one pillar a month. Teach everything else you teach, but also include the word of the month in these classes. You would have walked into that grade school and seen the walls plastered with signs and pictures the students had drawn about the word of the month, such as the word responsibility. You could then go to an assembly where all the little children with their teachers talked about responsibility for about an hour and gave awards where young people said that is the most responsible student in the class and this is what he or she did. It is rather exciting.

Now, frankly, it is not the business of any State Department of Education, If character education is going to be done, each school has to desire to do it along with the principal, teachers, and parents.

Needless to say, people ask, is it working? Frankly, I can't stand here and tell you I am absolutely certain of all the positive aspects, but I can tell you that we are beginning to get more than anecdotal information from schools that have been doing it for 2 or 3 years. They note that there is a noticeable change in behavior and relationship of children to children and, indeed, of teachers to children. Many would claim, indeed, that this does more for changing the character of our country in the right direction than almost anything that is going on out there except the organized activity of the faith people of the country as they proceed with their faith-filled lessons.

In our State we are now experimenting with the very first group of businessmen who are trying to inculcate the six pillars of character, in an institutional way, into their businesses. They are going to try to see if they can incorporate these values as a part of the life of a business, the life of the employees, and all of their relationships to the public. They hope that these values will then be passed on to others, if indeed, it has a measure of success.

Now, we are not unique. I happened to put the resolution in the Senate 5 years ago and asked ten Senators to join me. Former Senator Sam Nunn was one of the original ten. His successor, Senator MAX CLELAND, has joined us now as an original sponsor. He is here now in the chamber, and I will yield to him in a few minutes.

I in no way stand here suggesting that there are not many better examples than my State of New Mexico. There probably are. I just feel very good every now and then, once a year, to tell the Senate a few exciting stories about what is going on in our State in this regard. In the prepared remarks I cite many other examples of how the six pillars are working and how the public is responding and how televisions and radio stations help promote

these pillars. They are now kind of common, ordinary language among the people in the State of New Mexico. I think that is all a very good start.

This resolution will designate the week of October 18–24, 1998, as National Character Counts Week, when individuals and organizations may observe specifically their programs and activities supporting character development.

All of us who have been involved with character education programs know about the extraordinary growth of these efforts across the country. Regardless of our support here in Washington, the development of character programs the grassroots level has been the most exciting. Good character can be endorsed and supported by Government, but it is families, schools, and communities that make the real difference.

Over the past 4 years since we initiated community-based Character Counts programs in New Mexico, the public and private schools in the State have incorporated the Character Counts message in most of the State's schools. Almost 200,000 students are receiving instruction and are involved in activities that promote the Six Pillars of Character: Trustworthiness, Respect, Responsibility, Fairness, Caring, and Citizenship. Whether the Six Pillars appear on billboards, on town waterbills, or are incorporated into a school's curriculum, the message of good character permeates the community.

The six simple words are not just words in a vocabulary. They are concepts that have meaning to children and adults alike, resulting in tangible actions that change for the better how they relate to and interact with one another. Today, I would like mention just a couple of examples of how the Character Counts efforts in New Mexico are changing the daily lives of its citizens for the better.

I would like to recount one of the most inspiring Character Counts initiatives I have seen in New Mexico. It is about Emerson Elementary School in Albuquerque. The school has 800 students speaking more than 11 languages. The school is located in a densely populated, culturally diverse and highly mobile area, with a 98.5 percent poverty rating. Many refer to this area of the city as a ''war zone'' because of its high crime rate. The challenges facing the school administration, teachers, and its Principal Linda Torres far exceed those of most schools; its academic challenges are as great as the community's social challenges.

The Character Counts program at Emerson Elementary was initiated as a total Social Skills Curriculum, with the Six Pillars integrated into all its daily classes and reinforced with various activities to reward the students for good behavior. At the same time, the school utilizes a human services collaborative support program for the 500 families associated with the school. It works with social service organizations to ensure the entire family is assisted, whether it is providing nutritional advice or clothing to needy families. In an effort to maximize community involvement of adults and children, the school children adopted the Veterans Memorial Park across the street from the school as one of their civic projects. They help maintain and patrol the park, and since the project began there have been no problems with graffiti.

Emerson Elementary has become a virtual community center in this area of the city and a true haven for the children and their parents. Principal Linda Torres believes that among all the conflicts that need addressing or resolving within the school and in the community, it is clear that the values that reside ''inside a person'' are as critical as anything the school attempts to provide. In summarizing the success of Character Counts, Principal Torres says, ''the community gives back to the school and the school gives back to the community—it's not just a situation of taking, it's the concept of giving that makes a difference.''

In another New Mexico community far to the south of Albuquerque near the Texas border is a medium-sized town, Las Cruces, that has embraced Character Counts in both its private and public schools, and within the community itself.

As an example, the Las Cruces University Hills Elementary School sends parents regularly scheduled communications and newsletters explaining new Character Counts initiatives. Each month the school focuses on one of the six pillars with a school-wide assembly to kick off each new pillar. Teachers include the words in lessons throughout the school day, each day of the month. The students are urged to discuss their experiences and how the concepts relate to their daily lives. The school's monthly newsletters report how students identify with the various pillars.

I believe the children's own words best express how they apply the Character Counts concepts to their daily lives:

''Citizenship is caring about our country and other people * * * Make the community a better place by cleaning the environment and taking care of it. Take care of nature, animals, plants, and land. Be a nice neighbor.''

Jammal: ''In our group respect means treating one another equally, even if they are not good looking, handicapped, or if they're slow. Showing respect means not being bossy and treating people fairly. I respect people for what they are, and all their different abilities. When I show respect, I am kind and polite to people. My way of showing respect is by manners and helping others.''

Brenna, Karina, Christopher, Spencer and Shoji: ''If you want to be a respectful person, then it's a good time to start knowing about respect and be one to the end. Be polite and the world will be safe once again. If you respect others, respect is what you will get back.''

Tyrel: Sometimes we forget that each and every day there are ways of practicing good character traits. Parents, teachers, civic and business organizations, and community leaders are responding with enthusiasm to this fairly simple program of teaching and practicing the tenets of good character.

Creative community programs are developed so the messages are not confined to the classrooms but are shared by all citizens. In Albuquerque, a new program Character Counts in the Workplace is designed to apply the Six Pillars to workplace ethics. In Lea County, the Character Counts Board of Directors meets monthly to coordinate activities, with each community independently expanding its Character Counts message through its local festivities, service clubs, and schools. In Roswell, the Future Homemakers of America of Sierra Middle School, using the lessons learned about caring, assisted students at Valley View Elementary School with holiday crafts projects.

In April, the State of New Mexico will host the National Character Counts Conference, followed by 2 days of its own State Conference. Just a quick review of a few of the planned meetings at the New Mexico Conference tells us of the variety of programs being developed throughout the State: the Police Role in Community Character Counts Programs; Join-A-School Projects—What to Do; Character Counts in the Workplace; At-Risk Youth and Character Counts; School and Community Youth Athletics; and Parenting for Character Development. These sessions clearly show how broadly-based the Character Counts activities have become throughout the State.

When we first introduced the National Character Counts Week resolution in 1994, I doubt we could have envisioned how quickly parents, teachers, schools, towns, cities, and civic organizations would develop programs to address the issue of character building. It has universal appeal, and it has touched the lives of millions of our citizens. The ''crisis in character'' is being addressed by America's citizens, at the local level, where it matters most. I am very proud to be a part of this effort. Practicing the principles of good character pays enormous dividends not only to each of us personally but to countless generations in the future.

Mr. CLELAND. Mr. President, I thank the distinguished Senator from New Mexico, Senator DOMENICI, my personal friend and dear colleague, for his character and especially his courage in putting forward this resolution and in taking the leadership in making sure that this resolution is enacted. I am honored to be a cosponsor of the National Character Council Week resolution.

Mr. President, the stories and statistics are painfully familiar; we have all

heard them—children having children, young boys joining gangs out of a need to belong, children as young as 9 years old smoking marijuana or shooting up heroin or inhaling freon from the living room air conditioner just to find a high.

Now the latest figures are in from the Department of Justice: 25,000 juveniles murdered between 1985 and 1995. Half of all high school students who carry a weapon take that weapon to school. Juvenile arrestees are now more likely, according to the Department of Justice, than adult arrestees to have used a gun in committing a crime.

James Agee once said, ''In every child who is born, under no matter what circumstances * * * the potentiality of the human race is born again.''

Mr. President, how many times have we heard that our children are the future of our country? I believe that our highest obligation is, and our biggest challenge is, with the children of America. We can work together to help ensure that all children will start school ready to learn. We can pool our efforts—parents, teachers, community leaders, and elected officials—to enable our students to be first in the world of scientific and academic achievement. But I believe the greatest gift and most effective tool we can give to our children is to instill in them, from the beginning, the values and beliefs which mold their character. Character is the essential building block in each youngster's journey to become a responsible, moral adult.

George Matthew Adams once said:

There is no such thing as a ''self-made'' man. We are made up of thousands of others. Everyone who has ever done a kind deed for us, or spoken one word of encouragement to us, has entered into the makeup of our character, and of our thoughts, as well as our success.

Robert Kennedy credited his father with shaping his beliefs about what the definition of true character is. He said:

He has called on the best that was in us. There was no such thing as half-trying. Whether it was running a race or catching a football, or competing in school, we were to try. We might not be the best, and none of us were, but we were to make the best effort to be the best.

For Ronald Reagan, it was his mother, Nelle, who was his source of inspiration. He said about his mother:

My mother, God rest her soul, had an unshakable faith in God's goodness. And while I may not have realized it in my youth, I know now that she planted that faith very deeply in me.

Mr. President, I urge my colleagues to support this resolution. It calls on our citizens and communities to teach and promote the core elements of character: trustworthiness, respect, responsibility, fairness, caring and citizenship.

Decades ago, during the war in Korea, one of our generals was captured by the Communists. He was taken to an isolated prison camp and told that he had but a few minutes to write a letter to his family. The implication was that he was to be executed shortly. The general's letter was brief and to the point: ''Tell Bill,'' he wrote, ''the word is integrity.''

The word is indeed integrity, Mr. President. As our resolution states, ''the character of a nation is only as strong as the character of its individual citizens.'' If this is so, Mr. President—and I hope it is and I think it will be—the future of this country will be in very good hands.

Mr. DODD. Mr. President, I am pleased this morning to join with the distinguished Senator from New Mexico and a group of my colleagues in cosponsoring this Senate Resolution designating October 18th through 24th as National Character Counts Week.

Nothing that we do in this country will have a more direct impact on our collective future than how we educate our children. And as the face of our society changes, and children are faced with modern problems like illegal drug use and violence, we should look at ways to expand our traditional definition of education. We must recognize that education should be more than the transmission off acts. It ought to be more than the relaying of concepts. Education should also seek to develop the moral character of our children. Schools need to reinforce the lessons that children are taught at home. Education must help teach young people what they need to know to be good citizens in our society. Strengthening the mind is not enough. We must also nurture the character.

That is why so many of us in the Senate come to the Floor each year to speak in support of character education in our schools. We believe that it is entirely appropriate for schools to instruct students on the importance of qualities like trustworthiness, respect, responsibility, fairness, caring, and citizenship. This is not a substitute for disciplined instruction in reading, math, composition, and other subjects. This is simply an effort to instill in our young people the values that we cherish in a civil society.

I have been working on character education issues for about 5 years now, and all of my experiences with this initiative have reinforced my belief that this is a good idea that can have a positive impact in the lives of our children. In 1994, I Introduced a character education amendment to the elementary and secondary education bill when it was being considered by the Labor Committee. This amendment was adopted, and it provided funding for schools to start character education curriculums.

Over the past few years, I have had the pleasure of visiting schools in Connecticut that have received some of these funds and begun teaching character education. In each and every classroom, I have seen the positive impact that these programs are having in our children's lives. Children, as well as teachers and parents, are responding enthusiastically to these lessons, and the result has been better attendance, higher academic performance, and improved behavior among our students. Character education may be a relatively new initiative, but these programs are already reaching 100,000 students in the State of Connecticut alone. And character education is not only making a difference in my home State, but all over the country as many of my colleagues can confirm.

Theodore Roosevelt once said, ''To educate a person's mind and not his character is to educate a menace.'' It is imperative that we build a society whose institutions will help support a strong ethical upbringing for our children, and character education should be a critical component of our efforts to reach that goal.

Again, I commend my friend and colleague from New Mexico for all of his work in this area. And I invite all my colleagues from both sides of the aisle to join us in supporting National Character Counts week and embracing character education as a vital means of molding better individual, strengthening families and creating a responsible American citizenry.

Mr. COCHRAN. Mr. President, I am proud to join Senator DOMENICI in sponsoring the 1998 Character Counts Week resolution. As an original member of the Character Counts Coalition here in the United States Senate, it has been my honor to cosponsor Character Counts Week every year since 1994.

In the past we learned the Golden Rule and were taught how to act by our parents and teachers or at Sunday School, and the community helped reinforce acceptable conduct. Today, because there are so many who don't have a chance to grow up in that kind of environment, we must develop alternative ways of teaching and learning how to behave in a free society.

Former United States Deputy Under Secretary of Education, Dr. Peter R. Greer, wrote an article, called ''Teaching Virtue,'' published in Education Week, February 4, 1998. In his article, he describes his experiences in developing effective curriculum for teaching ethics and character in kindergarten through grade twelve. He found that one of the most troublesome aspects for teachers to overcome was their reluctance to identify right and wrong. He also found that teaching virtues had to be a school-wide and a community-wide commitment.

The Character Counts! Coalition began as an effort to put values education at the top of the national agenda. The values are called ''Pillars of Character,'' and they are: trustworthiness, respect, responsibility, fairness, caring, and citizenship.

The core elements of good character reflect a consensus that was reached by eminent and diverse educators and youth leaders who thought the pillars would be widely understood, accepted and effective.

The Coalition is made up of over 180-member organizations who collectively pursue the goal of teaching that character does count and is essential for our nation's survival and success. Included in this group are the American Association of School Administrators, American Red Cross, Boys and Girls Clubs of America, Little League Baseball, 4–H, National Honor Society and many regional and community-based organizations. They are all working to build awareness of the pillars of character and to encourage their teaching ''from the family room to the school room to the locker room.''

In my state of Mississippi, Ocean Springs is a Character Counts Community. The Chamber of Commerce sponsors programs that stress the importance of making good character traits an intrinsic part of the lives of students, teachers, administrators, and citizens.

The Ocean Springs Character Counts Business Club members display Character Counts stickers in their windows and help raise funds for the Chamber of Commerce. Each year, those funds are used for programs and materials to train teachers in the Ocean Springs public schools on better ways to incorporate character education into their regular curriculum.

The programs are designed for repetition and emphasize action and behavior. Youngsters are encouraged to express their thoughts about character through essays, poems, songs, artwork, posters or videos.

I am very proud of the people of Ocean Springs, Mississippi. They understand that teaching good character begins at home, but it must be reinforced at school and by the entire community.

Character Counts! Week is October 18–24 this year. I hope that communities will use this as a time for new and renewed commitments to character education.

If we all practiced what Character Counts teaches, America would be better indeed.

Ms. MIKULSKY. Mr. President, I rise today in support of the resolution submitted by my colleague Senator DOMENICI to designate October 18 through October 24, 1998 as ''National Character Counts Week.''

I have cosponsored this resolution for the past four years and I am honored to do so again this year.

Character is an increasingly important issue in our society. I believe character counts. It counts in our homes, our schools, and our neighborhoods.

I believe character is the foundation of our society and will continue to be into the next century. I have been concerned that we have gone from being a progressive society to being a permissive society.

Character shapes how we behave in our families, in our own communities, and in our own workplaces.

Character education helps our children grow into responsible and caring adults. But character must be taught. It is our responsibility to teach character to children.

In this day and age of juvenile crime, particularly crime in schools, a renewed commitment to character education is even more important for our society.

Character development should be taught along with other core academic subjects. The state of Maryland has encourage the inclusion of character education in schools. I support this approach.

There are six pillars of character: trustworthiness, respect, responsibility, fairness, caring, and citizenship. These are values that last a lifetime.

Our country was built on the foundation of virtue and value. These are the ties that bind and the habits of the heart. Character encourages self-respect and the respect of others.

I believe in supporting character education as much as possible. In making sure that character counts, we will create the habits of the mind and the habits of the heart that will be the social glue that will hold our society together.

I urge my colleagues to support this bipartisan resolution. I believe in support for character education. It is even more crucial as we enter the next century.

Mr. KEMPTHORNE. Mr. President, I rise today to express my strong support for the National Character Counts week resolutions submitted by my esteemed colleague, Senator DOMENICI. I have cosponsored similar resolutions for the past 4 years and am honored to have the opportunity to do so again this year.

I stand before you today, because children and adults alike are constantly being bombarded by violence, profanity, and immorality, both through the media and in every day life. This onslaught of negative images and expressions has expanded the issue of character from a casual concern to a matter of considerable social importance. During my tenure in the Senate it has been my goal, and the goal of many of my colleagues, to raise awareness of the importance of raising our younger generations in an atmosphere of strong principles. I can think of few things we could do to better achieve this goal than to bring the attributes of good character to a level that will be admired by our children. If, through our own actions, we demonstrate the value, and indeed the necessity, of good character, we may help turn future generations away from the all too often glamorized visions of unscrupulous activities.

As a father, I am concerned that the role models our nation's children seek for leadership and guidance do not exemplify the integrity and character that most parents would condone. As an elected leader, I believe it is my job, and the obligation of my colleagues, to take an initial step to reinvigorate the attributes of character—trustworthiness, respect, responsibility, justice and fairness, caring, civic virtue, and citizenship—which National Character Counts Week highlights. We need to regain these qualities in our communities, in our families, and in the development of our own lives.

Mr. President, as we watch our children blossom into the leaders of the future it is my hope that each and every one of them will be able to look up to individuals who epitomize the values and attributes that are represented by National Character Counts Week. I am proud to stand with my fellow colleagues today, to discuss the importance of having genuine character. The simple step of raising awareness of the value of good character can have a powerful and long lasting impact. In the words of President Ronald Reagan, ''They say the world has become far too complex for simple answers. They are wrong. There are no easy answers, but there are simple answers. We must have the courage to do what we know is morally right.''

Mr. President, I believe by standing before you today, the supporters of National Character Counts Week are taking the initial step in accomplishing what is morally right. We are, however, only a single piece in the puzzle. My colleagues and I, along with civic organizations around the Nation, are only emissaries of a message. The true fundamental values that will instill character in our children must begin at home. No amount of moral instruction from outside the home can replace the guidance of a loving and supportive family.

Recognizing a national week to stress the importance of character is but a small step in addressing the crisis of ethics the Nation faces. At the same time, it is an important step which I believe all of us should support. I would like to thank Senator DOMENICI for his continued leadership on National Character Counts Week, and urge my colleagues to cosponsor the resolution.

SENATE RESOLUTION 177—RELATIVE TO PRISONERS OF WAR

Mr. COVERDELL (for himself, Mr. CLELAND, Mr. SMITH of New Hampshire, Mr. LOTT, Mr. HAGEL, and Ms. MOSELEY-BRAUN) submitted the following resolution; which was considered:

S. RES. 177

Whereas participation by the United States Armed Forces in combat operations in Southeast Asia during the period from 1964 through 1972 resulted in several hundreds of members of the United States Armed Forces being taken prisoner by North Vietnamese, Pathet Lao, and Viet Cong enemy forces;

Whereas the first such United States serviceman taken as a prisoner of war, Navy Lt. Commander Everett Alvarez, was captured on August 5, 1964;

Whereas following the Paris Peace Accords of January 1973, 591 United States prisoners of war were released from captivity by North Vietnam;

Whereas the return of these prisoners of war to United States control and to their families and comrades was designated Operation Homecoming;

Whereas many members of the United States Armed Forces who were taken prisoner as a result of ground or aerial combat in Southeast Asia have not returned to their loved ones and their whereabouts remain unknown;

Whereas United States prisoners of war in Southeast Asia were routinely subjected to brutal mistreatment, including beatings, torture, starvation, and denial of medical attention;

Whereas United States prisoners of war in Southeast Asia were held in a number of facilities, the most notorious of which was Hoa Loa Prison in downtown Hanoi, dubbed the ''Hanoi Hilton'' by the prisoners held there;

Whereas the hundreds of United States prisoners or war held in the Hanoi Hilton and other facilities persevered under terrible conditions;

Whereas the prisoners were frequently isolated from each other and prohibited from speaking to each other;

Whereas the prisoners nevertheless, at great personal risk, devised a means to communicate with each other through a code transmitted by tapping on cell walls;

Whereas then-Commander James B. Stockdale, United States Navy, who upon his capture on September 9, 1965, became the senior POW officer present in the Hanoi Hilton, delivered to his men a message that was to sustain them during their ordeal, as follows: Remember, you are Americans. With faith in God, trust in one another, and devotion to your country, you will overcome. You will triumph.;

Whereas the men held as prisoners of war during the Vietnam conflict truly represent all that is best about America;

Whereas two of these patriots, Congressman Sam Johnson, of Texas, and Senator John McCain, of Arizona, have continued to honor the Nation with devoted service; and

Whereas the Nation owes a debt of gratitude to all of these patriots for their courage and exemplary service: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its gratitude for, and calls upon all Americans to reflect upon and show their gratitude for, the courage and sacrifice of the brave men who were held as prisoners of war during the Vietnam conflict, particularly on the occasion of the 25th anniversary of Operation Homecoming, their return from captivity; and

(2) acting on behalf of all Americans—

(A) will not forget that more than 2,000 members of the United States Armed Forces remain unaccounted for from the Vietnam conflict; and

(B) will continue to press for the fullest possible accounting for such members.

SENATE RESOLUTION 178—TO AUTHORIZE THE PRODUCTION OF SENATE DOCUMENTS AND REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 178

Whereas, in the case of *United States f.u.b.o. Kimberly Industries* v. *Trafalgar House Construction,* Civil Case No. 97–0462, pending in the United States District Court for the Southern District of West Virginia, documents have been requested from the offices of Senator Robert C. Byrd and Senator John D. Rockefeller IV;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for evidence relating to their official responsibilities;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the offices of Senator Byrd and Senator Rockefeller are authorized to produce documents in the case of *United States f.u.b.o. Kimberly Industries* v. *Trafalgar House Construction,* except concerning matters for which a privilege or objection should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent employees of Senator Byrd and Senator Rockefeller in connection with any subpoena or request for documents or testimony in *United States f.u.b.o. Kimberly Industries* v. *Trafalgar House Construction.*

AMENDMENTS SUBMITTED

THE ENERGY POLICY AND CONSERVATION ACT PROVISIONS EXTENSION ACT

MURKOWSKI AMENDMENT NO. 1645

Mr. COVERDELL (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 2472) to extend certain programs under the Energy Policy and Conservation Act; as follows:

In lieu of the matter proposed to be inserted insert the following:

''SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

''The Energy Policy and Conservation Act is amended—

''(1) in section 166 (42 U.S.C. 6246) by striking '1997' and inserting in lieu thereof '1999';

''(2) in section 181 (42 U.S.C. 6251) by striking '1997' both places it appears and inserting in lieu thereof '1999';

''(3) by striking 'section 252(l)(1)' in section 251(e)(1) (42 U.S.C. 6271(e)(1)) and inserting 'section 252(k)(1)';

''(4) in section 252 (42 U.S.C. 6272)—

''(A) in subsections (a)(1) and (b), by striking 'allocation and information provisions of the international energy program' and inserting 'international emergency response provisions';

''(B) in subsection (d)(3), by striking 'known' and inserting after 'circumstances' 'known at the time of approval';

''(C) in subsection (e)(2) by striking 'shall' and inserting 'may';

''(D) in subsection (f)(2) by inserting 'voluntary agreement or' after 'approved';

''(E) by amending subsection (h) to read as follows—

'' '(h) Section 708 of the Defense Production Act of 1950 shall not apply to any agreement or action undertaken for the purpose of developing or carrying out—

'' '(1) the international energy program, or

'' '(2) any allocation, price control, or similar program with respect to petroleum products under this Act.';

''(F) in subsection (k) by amending paragraph (2) to read as follows—

'' '(2) The term 'international emergency response provisions' means—

'' '(A) the provisions of the international energy program which relate to international allocation of petroleum products and to the information system provided in the program, and

'' '(B) the emergency response measures adopted by the Governing Board of the International Energy Agency (including the July 11, 1984, decision by the Governing Board on 'Stocks and Supply Disruptions') for—

'' '(i) the coordinated drawdown of stocks of petroleum products held or controlled by governments; and

'' '(ii) complementary actions taken by governments during an existing or impending international oil supply disruption.'; and

''(G) by amending subsection (l) to read as follows—

'' '(l) The antitrust defense under subsection (f) shall not extend to the international allocation of petroleum products unless allocation is required by chapters III and IV of the international energy program during an international energy supply emergency.'; and

'' '(5) in section 281 (42 U.S.C. 6285) by striking '1997' both places it appears and inserting in lieu thereof '1999'.

''(6) at the end of section 154 by adding the following new subsection:

'' '(f)(1) The drawdown and distribution of petroleum products from the Strategic Petroleum Reserve is authorized only under section 161 of this Act, and drawndown and distribution of petroleum products for purposes other than those described in section 161 of this Act shall be prohibited.

'' '(2) In the Secretary's annual budget submission, the Secretary shall request funds for acquisition, transportation, and injection of petroleum products for storage in the Reserve. If no request for funds is made, the Secretary shall provide a written explanation of the reason therefor.'.''

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that several hearings have been scheduled before the Full energy and Natural Resources Committee to consider the President's proposed FY 1999 budget.

The Committee will hear testimony from the following:

1. The Forest Service on Tuesday, March 3, 1998, beginning at 9:30 A.M. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

2. The Department of Energy on Wednesday, March 4, 1998, beginning at 10:00 A.M., in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

3. The Department of the Interior on Thursday, March 5, 1998, beginning at 9:30 A.M. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

For further information, please call Betty Nevitt, Staff Assistant at (202) 224–0765.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, February 12, 1998, at 10:00 A.M. in open session, to receive testimony on the Defense Authorization request for fiscal year 1999 and the future years defense plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Thursday, February 12, 1998, at 9:30 AM on the nomination of Winter Horton to be a member of the Corporation for Public Broadcasting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Thursday, February 12, 1998, at 10:00 AM (or immediately following) the 9:30 AM hearing) on S. 1422—FCC Satellite Carrier Oversight.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 12, 1998 at 2:00 pm to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ALLARD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia, to meet on Thursday, February 12, 1998, at 9:00 a.m. for a hearing on ''Adoption and Foster Care Reforms in D.C.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, February 12, 1998 at 9:30 a.m. in room 485 of the Russell Senate Building to conduct a hearing on the Indian provisions contained in the following Tobacco settlement legislation: S. 1414, S. 1415, and S. 1530.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session on the Senate on Thursday, February 12, 1998, at 10:00 a.m. in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Education of the Deaf Act during the session of the Senate on Thursday, February 12, 1998, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled ''IRS Reform: What Taxpayers Need Now.'' The hearing will be held on Thursday, February 12, 1998, and will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to meet on Thursday, February 12, 1998, at 2:00 p.m. on the Airport Improvement Program

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, February 12, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this hearing is to receive testimony on S. 62, a bill to prohibit further extension or establishment of any national monument in Idaho without full public participation and an express Act of Congress, and for other purposes; S. 477, a bill to amend the Antiquities Act to require an Act of Congress and the consultation with the Governor and State legislature prior to the establishment by the President of national monuments in excess of 5,000 acres; S. 691, a bill to ensure that the public and the Congress have both the right and a reasonable opportunity to participate in decisions that affect the use and management of all public lands owned or controlled by the Government of the United States H.R. 901, an act to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands; and H.R. 1127, an act to amend the Antiquities Act regarding the establishment by the President of certain national monuments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL DONOR DAY: FEBRUARY 14, 1998

• Mr. FRIST. Mr. President, Saturday, February 14, has a special significance: it is the first National Donor Day to promote the Five Points of Life, gifts that we can give others to help save lives. The Five Points of Life are whole blood, platelets, bone marrow, umbilical cord blood, and organ/tissue transplants; gifts of these valuable resources have been responsible for saving numerous lives.

The National Donor Day was developed by a partnership of the Saturn Motor Company, one of the leading corporations in my home state of Tennessee, and the United Auto Workers. The National Donor Day has the strong support of the Department of Health and Human Services and the enthusiastic cooperation of other volunteer associations, such as the American Red Cross, America's Blood Centers, National Marrow Donor Program, National Minority Organ/Tissue Transplant Education Program, the Transplant Recipients International Organization, Coalition on Donation, and Rotary International.

On National Donor Day, February 14, all Saturn automobile dealerships will be participating in a program to promote donation of the Five Points of Life. Blood donor drives will be conducted, and registration forms will be available to sign up as an organ donor or bone marrow donor.

This type of public/private partnership is the key to solving the shortage of donors. The stocks of whole blood and platelets have to be constantly replaced so their life-saving components will be available to the millions who use them. There are over 56,000 people on the waiting list for organ transplants, and ten die each day because organs are not available to save their lives. The National Marrow Donor Program has over 2.6 million people registered, but still there are many people who need bone marrow donation who are unable to find a suitable match among these individuals. Medical science has developed ways to save peoples' lives by using these resources, but unless everyone helps by offering the gift of Five Points of Life, all the skills of our doctors and physicians are for nought.

In response to this need for the Five Points of Life, people from all over the country are stepping up to meet the call. Tom Meredith from Nashville is a donor dad whose tragedy at the loss of two children was somewhat alleviated by the thought that their donated organs benefitted 97 people. Dr. Kenneth

Moritsugu, an Assistant Surgeon General of the United States, is a donor husband and donor dad who tells movingly how organs donated by his wife and daughter, who were killed in separate traffic accidents, brought life to many others.

Mr. President, this altruism in the face of despair is a challenge to us all to become donors and give a gift of the Five Points of Life. I only wish all of you had the chance to see first-hand, as I have, the look of joy on the face of a child who, after receiving a transplant, no longer has to gasp for breath. As we give gifts of love to our spouses and sweethearts this Saturday, Valentine's Day, let us promise to give another gift of love to others we may not even know, the greatest gift of all, the gift of life.●

SOUTH DAKOTANS DEPLOYED TO THE PERSIAN GULF

● Mr. JOHNSON. Mr. President, I want to take this opportunity to thank the brave South Dakotans who are part of the latest deployment of American troops to the Persian Gulf. The men and women from Ellsworth Air Force Base and the South Dakota Air National Guard embody the spirit of all Americans by assisting the international effort to rid Iraq of nuclear and biological weapons.

Saddam Hussein's deportation of United Nations weapons inspectors and his continued obstruction of international monitoring efforts clearly show that Iraq does not desire to live by international rules of peace and commerce.

We now face the possibility of using force against Saddam Hussein to ensure that Iraq does not develop the capability to make and use weapons of mass destruction, and our thoughts and prayers are with our American troops stationed overseas and their families back home. We have faith in the readiness of our troops and know that, if called upon, they will succeed in their mission. The 114th Fighter Wing of the South Dakota Air National Guard will be enforcing the no-fly zone over southern Iraq, a task they have performed since 1992. The recent deployment is also a historic occasion for Ellsworth Air Force Base because it marks the first time B–1 bombers have been deployed in a potential military conflict.

I am a strong supporter of the National Guard working alongside active duty personnel in response to future emergencies, both at home and abroad. The Persian Gulf War was the truest test of this strategy and illustrated the Guard's ability to be trained, mobilized, deployed, fight alongside active duty personnel, and demobilized in response to a national emergency. As you know, Mr. President, South Dakota National Guard participated in that impressive effort.

The National Guard's effectiveness further proved itself in the natural disasters of the past few years. Our state is indebted to the National Guard for its stellar performance in the recent past in helping communities deal with crises ranging from flood waters to snow drifts.

I join all South Dakotans in wishing our troops from Ellsworth Air Force Base and the South Dakota Air National Guard a safe and successful completion of their mission as they protect our interests overseas.●

WOMEN'S RIGHTS NATIONAL HISTORIC TRAIL ACT

● Mr. D'AMATO. Mr. President, I rise today with my friend and colleague, the senior Senator from New York, Senator MOYNIHAN to introduce the ''Women's Rights National Historic Trail Act'' which authorizes that the Secretary of the Interior study alternatives for establishing a national historic trail to commemorate and interpret the history of women's rights. New York has that history.

In 1848, despite social, legal and economic constraints, the action of several women from New York led to a movement that would eventually provide freedom to women across this country and for generations to come.

In Seneca Falls, 1848, the first Women's Rights Convention was held leading the way for the 19th Amendment which granted women the right to vote. On July 19th, the first day of the two day convention, the Declaration of Sentiments was read at the convention promoting the right to vote, the right for a woman to attain a higher education, the right to own property and the right to retain one's own wages—some of the most fundamental principles of our democracy. As stated by Elizabeth Cady Stanton, one of the leaders of the convention, ''We hold these truths to be self-evident: that all men and women are created equal.''

The other leaders of the Convention including Lucretia Mott, Jane Hunt, Ann M'Clintock and Martha Wright began the movement to fulfill the freedom of Americans by changing the treatment of women in American society.

I support the designation of a corridor commemorating the triumphs of these and other women, and believe that the Buffalo-Boston trail deserves serious consideration. Areas like Seneca Falls, where we can find the Elizabeth Cady Stanton House, and her church, the Old Trinity Church, I believe, should be part of the historical trail for women's history. Other areas in New York have a tremendous historical significance for women's rights including: the Susan B. Anthony House, voting site and gravesite in Rochester and the M'Clintock House where the idea of a convention was conceived and the Declaration of Sentiments was written.

This bill only requires the Secretary to study the alternatives available to him and does not dictate where that commemoration occurs. But the events that occurred the summer of 1848 should be remembered and treated as part of a historical connection. The importance of Seneca Falls is key in the advancement of the rights of women in our nation and that is why I have also joined with Senator MOYNIHAN in June 1997 to introduce a S. Con. Res. 35, urging the U.S. Postal Service to issue a commemorative postage stamp to celebrate the 150th anniversary of the first Women's Right Convention.

I am pleased to join Senator MOYNIHAN in this effort to preserve the historical significance of women's rights in New York and I urge my colleagues to join us in co-sponsoring this legislation.●

HARRY S. ASHMORE: COURAGEOUS JOURNALIST

● Mr. MOYNIHAN. Mr. President, the revered journalist Harry Ashmore died last month at the age of 81. He died one day after the day set aside to observe Dr. Martin Luther King Jr.'s birthday and our nation's bitter struggle for civil rights. Mr. Ashmore was a leader in the struggle to integrate schools in Little Rock, Arkansas. His writings helped deliver Americans peacefully from unjust and oppressive laws.

A native of Greenville, South Carolina, Mr. Ashmore was raised to revere Southern traditions. His grandfathers fought for the Confederacy. As a young man, he was graduated from Clemson Agricultural College and then worked as a reporter in Greenville and in Charlotte, North Carolina. He served during the Second World War as an infantry battalion commander in the European theater and completed his military service a Lieutenant Colonel. After the war, he returned to North Carolina and to The Charlotte News, where he rose to the position of editor. In 1948, he moved to Little Rock and began his eleven years at The Arkansas Gazette. There, he would become The Gazette's executive editor.

Harry Ashmore loved the South. He embodied the dignity of a southern gentlemen throughout his years. But he was never provincial—either in his writing or his thinking. He studied at Harvard University as a Nieman fellow; from 1960 to 1963, he was editor-in-chief of the Encyclopedia Britannica and from 1969 to 1974, he was president of the Center for the Study of Democracy in Santa Barbara, California. In addition, he found time to author, co-author and/or edit a dozen books. In 1996, he was honored with the Robert F. Kennedy Memorial Lifetime Achievement Award.

But it was in newspapers where he would have his greatest influence on American life. In 1957, three years after the Supreme Court's decision in Brown, Arkansas' Governor Orval E. Faubus called out the National Guard because of ''evidence of disorder and threats of disorder.'' As ever, Harry Ashmore called it like he saw it. He described

the eerie scene as, ''the incredible spectacle of an empty high school surrounded by the National Guard, troops called out by Governor Faubus to protect life and property against a mob that never materialized.''

Ashmore knew Governor Faubus wanted to prevent nine students from entering Little Rock High School. He warned against delay, realizing that resisting the Supreme Court would bring bloodshed. In The Gazette, he argued dispassionately for the people of Arkansas to uphold the law. He wrote: ''There is no valid reason to assume that delay will resolve the impasse which Mr. Faubus has made. We doubt that Mr. Faubus can simply wear the Federals out—although he is doing a pretty good job of wearing out his own people.'' Harry Ashmore understood before so many others the power and the moral force of civil liberty. And yet, he also knew the rooted strength of the opposition.

Above all he was honest, to himself and to his readers. Through his calm and reasoned editorials he stood for justice despite daily threats on his life and on his family. The Gazette suffered financially for his courage. It lost advertising revenue and circulation. Harry Ashmore, however, fought for his beliefs, and he helped lead Arkansas and the Nation toward equality for all its citizens. In 1958, the Pulitzer committee recognized Harry's excellence in editorial writing by awarding him the Pulitzer Prize for ''clearness of style, moral purpose, sound reasoning, and power to influence public opinion.'' In addition to his own Pulitzer, in 1958, The Gazette was awarded the Pulitzer for public service.

Harry Ashmore was on the front lines of the struggle for civil rights in this country. His leadership, courage, and wise words must not be forgotten.

I ask that the New York Times' article on Harry Ashmore from January 22, 1998, be printed in the RECORD.

The article follows:

[From the New York Times, Jan. 22, 1998]

HARRY S. ASHMORE, 81, WHOSE EDITORIALS SUPPORTED INTEGRATION IN ARKANSAS, DIES

(By Eric Pace)

Harry S. Ashmore, who was executive editor of The Arkansas Gazette when he won a Pulitzer Prize for antisegregation editorials he wrote during the crisis and confrontation over admission of black students to a Little Rock high school in 1957, died on Tuesday night in the infirmary of the Valle Verde retirement home in Santa Barbara, Calif., where he and his wife moved several years ago. He was 81.

He evidently died as the result of a stroke he suffered early this month, his wife, Barbara, said.

Mr. Ashmore, a native of South Carolina, was a prominent figure in Southern journalism while he was executive editor of The Gazette—published in Little Rock—from 1948 to 1959. He went on to be the editor in chief of the Encyclopedia Britannica from 1960 to 1963 and president of the Center for the Study of Democratic Institutions, a liberal think tank headquartered in Santa Barbara, from 1969 to 1974.

On The Gazette's editorial pages in the eventful days of 1957, he argued with controlled but eloquent passion that the law of the land—following the Supreme Court's 1954 ruling that all segregation in public schools was ''inherently unequal''—should be honored and that Arkansans should permit the admission of nine black students who wanted to enter the school under an integration plan drawn up by the Little Rock school board. He contended that resistance was useless.

Confrontation loomed when Arkansas' populist Governor, Orval E. Faubus—formerly a boon companion of Mr. Ashmore's—ordered the National Guard to bar the nine from the school. But President Dwight D. Eisenhower gained control of the Guard and ordered Federal troops to be sent to Little Rock to restore order and accompany the nine. And the school became integrated.

Well before the crisis, a plan was adopted by the Little Rock school board that restricted integration of the city's schools initially to only one of them, Central High School, and scheduled that for 1957.

Tension rose as the integration date approached. Resistance to the plan, called the Phase Program, swelled among white people. Robert Ewing Brown, leader of a segregationist group in Little Rock, said, ''The Negroes have ample and fine schools here, and there is no need for this problem except to satisfy the aims of a few white and Negro revolutionaries.'' And early in 1956, Mr. Faubus declared he could not cooperate in ''any attempt to force acceptance of change to which the people are so overwhelmingly opposed.''

In August 1957, someone hurled a stone through the window of an Arkansas N.A.A.C.P. leader, Daisy Bates. An attached note said: ''Stone this time, dynamite next.''

In September 1957, the night before Little Rock's schools were to open, Governor Faubus proclaimed that he was going to deploy National Guard troops around Central High School because of ''evidence of disorder and threats of disorder.''

And when Central High opened, more than 200 National Guard troops were on guard. As Mr. Ashmore put it in an editorial, there was ''the incredible spectacle of an empty high school surrounded by the National Guard, troops called out by Governor Faubus to protect life and property against a mob that never materialized.''

But a 15-year-old black girl, Elizabeth Eckford, who tried to enter the school, recounted later that ''somebody started yelling, 'Lynch her! Lynch her!' '' A white woman accompanied her away from the scene.

After the nine black teenagers were eventually permitted to begin attending the school and, as Mr. Ashmore wrote in one editorial, ''peacefully attending Central High School under Federal court order and Federal military protection,'' Governor Faubus contended that resolving the crisis required that the nine withdraw from the school. He said that all he wanted was delay in integrating the high school until some unspecified future time.

But Mr. Ashmore said in that editorial: ''There is no valid reason to assume that delay will resolve the impasse which Mr. Faubus has made. We doubt that Mr. Faubus can simply wear the Federals out—although he is doing a pretty good job of wearing out his own people.''

Yet Mr. Ashmore's approval of integration was limited then, though it became complete later. One of his editorials during the crisis advocated acceptance of the phased desegregation plan worked out by the school board as the handiwork of individuals who felt ''(as we do) they were working to preserve the existing pattern of social segregation'' by coming up with a program which would lead to ''the admission of only a few, carefully screened Negro students to a single white high school.''

Recalling those days, Henry Woods, a Federal district judge in Little Rock who was a leading Little Rock lawyer in 1957, said: ''Harry was the central figure in the crisis. He was the leader of the opposition to mob rule, and all of us who opposed Faubus rallied around him. The thing I admire most was the great courage Harry displayed. He received daily threats against his life and his family, but he stood in the breech and held the walls against the barbarians.''

During the crisis, Mr. Ashmore's editorials caused declines in advertising revenue and circulation. An unsigned letter was sent to some business people in Little Rock saying that The Gazette, in taking its antisegregation stand, was ''playing a leading role in destroying time-honored traditions that have made up our Southern way of life.''

In 1990, Mr. Ashmore, speaking of himself and two other Southern editors of that era, Ralph McGill of The Atlanta Constitution and Hodding Carter of The Delta Democrat-Times of Greenville, Miss., said, ''As refugees of the Old South, we were never comfortable being called liberals or integrationists. Philosophically, we all knew segregation was wrong, but we weren't doctrinaire liberals. I had a temperamental difference with the two of them, though. They were more glandular, more angry about the segregationist abuses, whereas I tended to laugh more at the absurdity of it all.''

He also did not take himself too seriously. A former colleague at The Gazette recalled not long ago that after attending a daily afternoon meeting about the paper's news coverage, Mr. Ashmore would go off to write editorials and, as he departed, he would often observe wryly, ''I'm off to think great thoughts.''

When Mr. Ashmore won his Pulitzer Prize, The Gazette was given another Pulitzer award, for public service, for its news reporting about the events of 1957. Mr. Ashmore was cited for ''the forcefulness, dispassionate analysis and clarity'' of his editorials during the crisis, and The Gazette was cited for ''demonstrating the highest qualities of civic leadership, journalistic responsibility and moral courage in the face of mounting public tension.''

In 1991 the newspaper ceased publication, and its competitor, The Arkansas Democrat, acquired its assets and became The Arkansas Democrat-Gazette. The paper's editorial page editor, Paul Greenberg, said yesterday that Mr. Ashmore ''was a part of the great epic of The Gazette's courageous stand in coverage of the Central High crisis of 1957.'' Mr. Greenberg, who won a 1969 Pulitzer Prize for editorials on race that he wrote for The Pine Bluff Commercial of Arkansas, said: ''He will always be a much admired figure in Arkansas journalism. No account of Arkansas history will ever be complete without mentioning Harry Ashmore.''

Mr. Ashmore wrote, was co-author or editor of a dozen books. Over the years, he was also in the active leadership of the American Society of Newspaper Editors, the Fund for the Republic, the Committee for an Effective Congress, the American Civil Liberties Union and other national organizations.

He received the Robert F. Kennedy Memorial Lifetime Achievement Award in 1996.

Harry Scott Ashmore was born in Greenville, S.C. He became aware of black people's problems partly when he became a summer laborer on a cotton farm. He went on to graduate in 1937 from Clemson Agricultural College in Clemson, S.C., worked for some southern newspapers and studied as a Nieman Fellow in Journalism at Harvard.

During World War II he served with the Army in France and elsewhere and rose to

the rank of lieutenant colonel. After the war he rose to become editor of The Charlotte News in North Carolina. He went to The Arkansas Gazette as editor of its editorial page in 1947 and was promoted to executive editor.

In addition to his wife, the former Barbara Edith Laier, whom he married in 1940, Mr. Ashmore is survived by a daughter, Anne Ashmore of Washington.●

PRAISING CRAIG A. HIGGINS FOR HIS SENATE SERVICE

● Mr. SPECTER. Mr. President, Mr. Craig A. Higgins, Clerk of the Senate Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, recently announced that he will soon be joining the National Human Genome Research Institute at the National Institutes of Health as its Senior Advisor for Legislative Affairs. I offer him, on behalf of all my Senate colleagues, our goodwill and best wishes as he assumes his new duties and responsibilities at NIH.

Mr. Higgins has served with loyalty and with distinction in the United States Senate for nearly 18 years. He has worked for Senator Mark O. Hatfield as a legislative assistant from 1980 to 1987. He then joined the subcommittee staff, becoming Clerk of the subcommittee in 1995. He is well known to be a dedicated and conscientious staff member who, like many staff members, has spent countless hours of energy, time, and effort in producing bills, reports, and hearings. During his stewardship of our subcommittee, Craig has continued the tradition of bipartisanship in the formulation of this very important bill. He understands the many needs of the American people and sought constructive solutions to better enable our government to address those needs. He devoted considerable time helping individual constituents and informing the public about the work of the subcommittee.

Craig has earned the respect of the leadership of these agencies and of the Members and staff of the Senate by being fair, responsive, and helpful. Both Democrats and Republicans have trusted his advice and counsel as our subcommittee confronted the many issues.

In his new position at NIH, Craig will no doubt continue his outstanding work in advancing the promise of genome research. With his professionalism and legislative experience, he brings to the task exceptional talent and energy, and I have the highest degree of confidence that his ability and dedication will continue his remarkable record of excellence.

I would take this opportunity again to thank Craig for his service to our subcommittee. As a devoted father to his children, Keith and Kristin, and husband to his wife, Wendy, Craig, like the many other parents in our workforce, has balanced home life with career. In many ways, his work in the Senate is motivated in large part in securing a stronger future for all families, including his own. I join my Senate colleagues in wishing Craig well and we expect for him to continue the highest traditions of excellence at his new post at the National Human Genome Research Institute.●

CRS PRODUCTS OVER THE INTERNET

● Mr. LEAHY. Mr. President, I rise to offer my support to legislation introduced by Senator MCCAIN, S. 1578, to make Congressional Research Service Reports, Issue Briefs, and Authorization and Appropriations products available over the Internet to the general public.

I applaud the goal of this legislation to allow every citizen the same access to the wealth of information at the Congressional Research Service (CRS) as a Member of Congress enjoys today. CRS performs invaluable research and produces first-rate reports on hundreds of topics. The taxpayers of this country, who pay CRS's annual budget of $60 million, deserve speedy access to these wonderful resources.

I understand that the staff at CRS has raised some questions about how this bill may affect their charter mandate to provide ''confidential analysis and information exclusively for Congressional clients.'' I want to work with Senator MCCAIN, the other cosponsors of this bill and the Senate Rules Committee to ensure that Members who request confidential research have control over the release of that research. But we can do both—protect truly confidential research and give our citizens electronic access to nonconfidential CRS products.

I want to commend the Senior Senator from Arizona for his leadership on opening public access to Congressional documents. I share his desire for the American people to have electronic access to many more Congressional resources. I look forward to working with him in the days to come on harnessing the power of the information age to open up the halls of Congress to all our citizens.●

REGULATING DUNGENESS CRAB HARVEST ON THE WEST COAST

● Mr. GORTON. Mr. President, I rise today to state that I intend, with my colleague from Washington state, Senator MURRAY, to introduce legislation shortly after this recess to ensure fair management of Dungeness crab on the West Coast. The legislation is supported by the Pacific Fishery Management Council, and represents an agreement reached by industry representatives, tribal representatives, and state fishery management agencies in Washington, Oregon, and California. The legislation will extend and expand the current interim authority for these states to manage Dungeness crab beyond three miles from their shores.

Historically, the crab fisheries off the coasts of California, Oregon, and Washington have been managed by the three states, and through cooperative agreements between them. The state jurisdiction, however, extends only to three miles. This limitation is particularly significant in Washington state, where approximately 60–80 percent of the crab is caught beyond three miles. While states can regulate their own fishermen beyond three miles, they have not historically been able to regulate fishermen from other states.

Although Washington, Oregon, and California have all adopted limited entry programs to conserve and manage crab, Oregon vessels can and do fish for Dungeness crab in waters more than three miles off Washington, and, until interim authority was granted in 1996 in the Sustainable Fisheries Act, Washington could not regulate these vessels. The same, of course, was true of Washington vessels fishing off the coast of Oregon.

The problem with the inability to manage out-of-state vessels beyond three miles became critical in 1995, when a Federal district court allocated a large portion of the crab to Indian tribes, and threatened in this way to deprive non-tribal fishermen, who have been fishing for generations, of their livelihoods. Without the ability to regulate vessels from Oregon, all of the allocation to the tribes would come from Washington non-tribal fishermen. This simply is not fair. The bill I will introduce will continue to give the fishery managers in Oregon, California, and Washington, the authority to regulate all crabbers equally in the exclusive economic zone adjacent to the state. This regulatory authority will help to ensure that the cost of the tribal allocation will be borne more fairly by all commercial crabbers who fish in the EEZ adjacent to Washington, not just crabbers whose vessels are registered in the state.

As I mentioned, in 1996, I succeeded in obtaining a provision in the Sustainable Fisheries Act, which gave limited interim authority to the West Coast states to manage the Dungeness crab fishery beyond three miles. This interim authority expires in 1999. It was anticipated that the Pacific Council would, by that time, prepare a Fishery Management Plan that could be delegated to the states. The Council has determined, however, through a careful, public, and inclusive process, that, given the unique nature of the West Coast fisheries in which you have effective state management, cooperation among the states, and agreement on the legislation I will introduce, there is no need for Federal management of this fishery.

I look forward to working with my colleagues to secure quick passage of the bill.●

PHILIP HITCH

● Mr. STEVENS. Mr. President, the Defense Department and Congress recently lost an able and dedicated adviser. Mr. Philip Hitch, Department of

Defense Deputy General Counsel for Fiscal Matters died recently at the age of 52. Phil had served the Department of Defense for 27 years in a number of positions.

Mr. Hitch began his career in the Army, serving from 1971 to 1975 as an Assistant Staff Judge Advocate for the Military Traffic Management Command. Upon leaving the Army in 1975, he represented the Office of the Counsel for the Navy Comptroller. He became the Counsel for the Navy Comptroller in 1981.

In 1992, Philip Hitch became the Deputy General Counsel for Fiscal Matters for the Department of Defense. In this role, Phil served the Defense Department capably by supporting DOD's legislative proposals regarding financial matters. Equally important, at a time of significant Congressional activity in the areas of Defense navigate its way through the process of change.

However, few know that the Congress, particularly the Senate Appropriations Committee's Subcommittee on Defense, relied heavily on Phil for advice on general provisions and other financial legislation under consideration. In this sensitive and occasionally conflicting role, Phil was able to provide thoughtful and precise legal counsel while maintaining the trust the Committee needed in the delicate task of seeking Defense Department views on legislative proposals. In this role, Phil was able to make a significant contribution to the nation's defense acquisition process, serving both the Defense Department and committee on Appropriations as confidant and counsel.

In a busy town dominated by people seeking to be heard and recognized, Phil Hitch generally sought neither. Indeed, one of Phil's strong qualities as his willingness to take time and listen to all aspects of the issue at hand. When asked for his advice, it was clear and concise—formulated to make the process of managing fiscal legal matters more productive for the nation as a whole.

Fortunately, I can tell you that the quality of Phil's work was recognized through his receipt of the Presidential Rank Award for Meritorious Service and the Navy Distinguished Service Award. The Navy Distinguished Service Award notes that ''Mr. Hitch has left indelible contributions to the management and operations on the Department of the Navy.''

Mr. President, the Defense Department and the Senate will miss his wise counsel.●

100TH ANNIVERSARY OF SINKING OF U.S.S. ''MAINE''

● Ms. SNOWE. Mr. President, one hundred years ago this Sunday, February 15, a tragic event took place in Havana harbor which claimed the lives of 260 officers and crew and hurtled our nation into war. I rise today to remember the U.S.S. *Maine* on the 100th anniversary of her destruction, and to honor the memories of those brave men who died in service aboard that mighty ship.

True to her namesake's motto, ''Dirigo'', or ''I Lead'', the *Maine* was one of the first surface combatants to be designated as a battleship. When she was commissioned in 1895 she was, at 319 feet in length, the largest ship ever built in a U.S. Navy shipyard. A state-of-the-art vessel, the *Maine* was showcased in many ceremonial events and was the pride of the U.S. Navy.

Then, on February 15, 1898, destiny called upon the U.S.S. *Maine*, her officers and her crew. On that night—a quiet and still evening by accounts from survivors—an explosion shattered the tranquility of Havana Harbor and tore through the *Maine*, blowing apart her berthing deck and hurling much of her starboard side into the water. After several smaller explosions in the ship's magazines, only 88 men remained among the living, and the United States and Spain were one giant step closer to war.

Soon after the tragedy, eight more men died and in the weeks following six more deaths would be attributed to injuries suffered aboard the *Maine*. Initial Navy reports suspected a mine sank the *Maine*, but urged caution until further investigations could be conducted. The outrage surrounding the incident was taking on a life of its own, however, as papers throughout America reported to a stunned and outraged nation that the pride of our Navy had been destroyed by an enemy mine set in Havana Harbor with the sole and deadly purpose of sinking the *Maine*.

On March 23, 1898, a Navy board officially concluded that it was, in fact, a mine that put the *Maine* on the bottom of Havana Harbor. By April, the infamous expression ''Remember the *Maine*'' became a rallying cry for a nation and by the end of that month, President McKinley had ordered a naval blockade which precipitated a formal declaration of war by the U.S. Congress against Spain.

The Captain of the U.S.S. *Maine*, Captain Charles Sigsbee, who survived the tragedy, put the scope of the U.S.S. *Maine* disaster in perspective after the Spanish-American War ended. He said: ''During the recent war with Spain, about 75 men were killed and wounded in the United States Navy. Only 17 were killed. On board the *Maine*, 252 men were killed outright and eight died later—nearly fifteen times as many as were killed in the United States Navy by the Spanish land and naval forces during the entire war.''

We may never know precisely why the *Maine* met her end that night one hundred years ago. Today, controversy still surrounds the original theory that it was a mine that sank her. Indeed, a 1976 report compiled by the order of Admiral Hyman Rickover concluded that it was an internal fire in a coal bunker next to the *Maine*'s powder magazines that led to the fatal explosion. More recently, tests results reported in National Geographic magazine, based on a careful computer analysis of photographs of the twisted hull, proved inconclusive.

While the means by which she met her end may always be a mystery, one thing is for certain: there will never be a debate about her place in history. And there will never be a debate about the bravery of those souls lost aboard the *Maine* in a flash of fire and chaos.

That is why we remember the *Maine*. Captain Sigsbee, knowing of the controversy surrounding the cause of the explosion and its consequences, admonished us to recall the most honorable reason to remember her: ''In the way that the men of the *Maine* suffered there was enough of the heroic to provide a sound foundation for the motto, ''Remember the *Maine*''.

And so we do so today, and always. Remembrance events are scheduled to take place across the country: at Arlington Cemetery, in Bangor, Maine—where the shield and scroll of the ship rest today, in Central Park in New York City, in Key West, Florida, and at the Naval Academy in Annapolis, Maryland. Liz Henning, Midshipman at the Naval Academy, will likely be there: in the recent National Geographic story on the *Maine*, she was quoted as saying, ''We still think about those guys on the *Maine* * * * Navy people never forget''.

Nor will Mainers ever forget. In Bangor, an appropriate memorial to the *Maine* reminds us of that fateful day one hundred years ago. In the Blaine House in Augusta—the Governor's residence—the silver soup tureen and vegetable dish from the original U.S.S. *Maine*, along with the loving cup, have been displayed for the past 70 years and have become one of our state's most unique treasures. The story of the recovery of these pieces from the bottom of the ocean in Havana Harbor has always brought a look of awe and amazement to the eyes of Maine's children, and it was always clear to me that these pieces are our living link to Maine's maritime heritage.

And now, I am proud to say that the U.S. Postal Service will help keep the spirit of those lost on the *Maine* alive. Key West, Florida, one of the last ports of call for the U.S.S. *Maine*, and the place where many of the brave Americans who died aboard the *Maine* are buried, is the location for the First Day and City of Issue for the stamp. Key West will host a first-day ceremony and will use a distinctive First Day of Issue cancellation.

I would like to thank Postmaster General Marvin Runyon for agreeing to my request for a special, limited advance release this weekend of the Postal Service stamp commemorating the centennial of the sinking of the *Maine*. The stamp will be distributed during the U.S.S. *Maine* Centennial observance in Bangor. Rather than the First Day of Issue cancellation, the stamps will be canceled with a special pictorial of the U.S.S. *Maine* designed in Bangor.

This and other centennial celebrations will ensure that the *Maine* will indeed not be forgotten—nor will those aboard who made the ultimate sacrifice. They answered the call when their country needed them, and we must honor their memories with our respect and remembrance. As a Mainer and a member of the Senate Armed Services Committee, I have nothing but the utmost respect for the men and women who throughout history have risked their lives and invested their careers in our armed forces.

In that light, let us keep their memory alive, and let us ensure that future generations will understand and appreciate the legacy of the U.S.S. *Maine*, and the tragic sacrifice of her gallant crew. Let us remember the *Maine*.●

OLYMPIAN ERIC BERGOUST

● Mr. BURNS. Mr. President, I stand today to recognize an Olympian from the great state of Montana. Eric Bergoust, a Western Montana native from Missoula, will represent our nation next week in the 1998 Winter Olympics in Nagano, Japan.

Eric, 28, is a freestyle aerialist skier—a sport that requires athletes to launch themselves off a snow ski ramp, twist and turn their body in mid-air and land on the slope below. You certainly cannot appreciate the physical requirements of this sport until you are able to see it. And the landings don't always end up feet down. Watch the sport long enough and you are bound to see an unplanned landing.

But Eric is not new to the challenges of freestyle aerial skiing. Eric was profiled on network television earlier this week during a look at the 1998 Winter Olympics. The profile included photos of Eric diving off the roof of his parents' Missoula home into mattresses on the ground below. Mr. President, I am happy to see that Eric's adventurous spirit is now compensated and insured.

When I was a kid, we also had to be creative to fill our time, but my feet stayed on the ground and rarely reached a height higher than the stirrups of a tall horse.

Although he has claimed his share of injuries from the physically demanding sport, I am proud to claim Eric as a native Montanan. He has represented our state well in world class events.

Eric is participating in his second Olympic games and has matured into one of the sport's premiere athletes. Last month, Eric won a World Cup event in British Columbia and is at the top of the World Cup standing entering the Olympics.

I've sent Eric a telegram wishing him well next week in the freestyle aerial events. I wanted to make sure my colleagues and the American people are aware of Eric's roots and the Montana spirit that drives him to be the world's best in his sport.●

TRIBUTE TO JANE JOHNSON

● Mr. DODD. Mr. President, throughout the years, I have had the opportunity to criss-cross the State of Connecticut countless times, and along the way I have met a number of remarkable individuals. Their occupations and backgrounds may vary, but they are all linked by a common commitment to helping others and making a positive difference in their communities. These are the unsung heroes in our society, and they are the foundation on which our communities are built. Sadly, Connecticut lost one its heroes earlier this month, when Jane Johnson of New Britain died at the age of 59.

Jane Johnson's entire career was dedicated to working with poor and underprivileged children so that they may have a brighter future. A native of New Britain, she spent more than 30 years working in her home town's Head Start program, and for the past 17 years she served as its Director.

I was fortunate to work with Jane over the years, and I, along with everyone else who knew her, had the highest regard for Jane and for her opinions on issues concerning children. Not only was she well-respected throughout the State but her efforts on behalf of young people earned her national recognition. That is why she was invited to several White House Conferences on Head Start.

As if her efforts with Head Start were not enough, Jane also volunteered her free time to serve her community. She was involved with many service organizations, including as a member of the board of directors for the Sheldon Community Guidance Clinic and the United Way of New Britain. She was also active in her church, singing in the choir and actively working with the young people in the congregation.

No one really knows exactly how many children showed up to their first day of school ready to learn and came closer to reaching their full potential because of Jane Johnson's efforts. But everyone in New Britain and throughout the State of Connecticut knows that she was a remarkable woman who touched many young lives and will be dearly missed.

I offer my heartfelt condolences to her friends and family, and I ask that her obituary be printed in the RECORD.

The obituary follows:

[From the New Britain Herald, Feb. 6, 1998]

JANE JOHNSON

NEW BRITAIN.—Jane Johnson, 59, of New Britain, Director of the New Britain Head Start Program, died Tuesday, Feb. 3, 1998, at New Britain General Hospital.

Born in New Britain, she was the daughter of Josephine (Gray) Hines of New Britain and the late James Johnson. She was a lifelong New Britain resident. Jane Johnson worked for the New Britain Head Start Program at the Human Resources Agency for 30 years. She began her career in public service as a teacher's assistant in 1965, the first year of the national Head Start Program which was begun by President Lyndon Johnson as a central part of his Great Society Program. In order to fight the ''War on Poverty,'' programs like Head Start were developed on the national level.

Ms. Johnson was an exemplary model of the program. She began participating as a client through the Parent Involvement Component of the Head Start Program. From 1965–67, she worked directly with the children as a teacher's assistant. The first director of the program, John E. Francisco, recognized Ms. Johnson's talent and promoted her. For the next five years, she worked first as an assistant, and then as the coordinator in the Social Service component of the Head Start Program. During the mid-1970's, she returned to school and earned an Associate Degree from Tunxis Community College in 1976.

Mr. Francisco promoted Ms. Johnson again in 1977, when she became his Administrative Assistant. She continued her education, earning a Bachelor of the Arts Degree from Central Connecticut State University in 1979. She graduated with honors and was named to Alpha Kappa Delta National Honor Society.

From 1980–98, Ms. Johnson was the Director of the Head Start Program. During this period, her innovative public policy initiatives earned National recognition. She was selected as a Johnson and Johnson Management Fellow and attended an honorary program at the University of Southern California in 1995.

In addition to her brilliant work as a leader in the National Head Start Program, Ms. Johnson served her community as a volunteer. She served as a member of the Board of Directors at the Sheldon Community Guidance Clinic and at the United Way of New Britain. She was a member of the Connecticut and National Association of Head Start Directors. Ms. Johnson also volunteered as a coordinator for the Conference on Coordinated Child Care For The State of Massachusetts.

Ms. Johnson was a member of the McCullough Temple C.M.E. and during the 1960's, was active as a choir member and served as a Junior District and Secretary Delegate to their young people's conference.

Throughout her life, she made countless contributions to the children and their families who came to the New Britain Head Start Program. The staff, the children, and the families who were involved with the program for the past 30 years will miss her loving guidance, her wonderful sense of humor and, most of all, her kind heart. She will continue to inspire them to serve their community with hard work and commitment.

In addition to her mother, she is survived by three children, Carnell Small of New Britain, Cheryl Small-Parris and her husband, Colin Parris of New Britain, and Wayne Small of Calif.; two sisters, Beatrice Walker of New Britain, and Margaret Johnson of Hartford; two grandchildren, Torey Small and Tia Parris; a great granddaughter, Taryn Fudge; and several nieces and nephews. She was predeceased by an infant son, Todd Anthony Small.

Funeral services will be held on Monday, 11 a.m. at the Spottswood AME Zion Church. Burial will take place at Fairview Cemetery, New Britain. Calling hours are Sunday evening from 6 to 8 p.m. at the church. Memorial donations may be made to the HRA Head Start Program, 180 Clinton St., New Britain, CT 06053. Erickson-Hansen Funeral Home is in charge of arrangements.●

JOHN HAMRE'S SPEECH ON NATO ENLARGEMENT

● Mr. ROTH. Mr. President, few have had as distinguished a career in the Senate as Howell Heflin, our former colleague from the great state of Alabama. One of the ways through which I

came to know and appreciate the indomitable optimism and warmth of Senator Heflin was through our work together as chairmen of the Senate Delegation to the North Atlantic Assembly.

The NAA brings together on a regular basis parliamentary and legislative leaders of NATO's 16 nations to discuss matters of transatlantic concern, generate initiatives addressing key challenges, and reinforce this strategic partnership.

Senator Heflin was not only an outstanding representative of the Senate to the Assembly and an ardent supporter of the NATO Alliance, but he was also an energetic and persuasive leader on an important initiative before us today, NATO enlargement.

I recently corresponded with Senator Heflin. He brought to my attention a speech on NATO enlargement by Deputy Secretary of Defense John Hamre delivered on Veteran's day before an audience in Birmingham.

Senator Heflin suggested that I submit this speech for the RECORD, and I gladly do so. It's a strong articulation of the moral and strategic underpinnings of NATO enlargement. It decisively addresses the key concerns voiced by those who still harbor reservations about this policy.

I urge my colleagues to take Senator Heflin's advice and read this speech.

The speech follows:

REMARKS BY DEPUTY SECRETARY HAMRE AT BIRMINGHAM WORLD PEACE LUNCHEON, 11 NOVEMBER 1997

Senator Jeff Sessions, Senator Howell Heflin, Congressman Spencer Bachus, and Mayor Richard Arrington. It is great to be in Birmingham on Veterans' Day. The sons and daughters of Birmingham have served our nation both on the battlefront and on the homefront. So many served in World War II that this area was known as the ''great arsenal of the South.''

November 11th is set aside to honor all veterans of American wars. But I would like to single out two individual veterans today because their feats in uniform are a tribute to all veterans. In fact, their names are inscribed in the Hall of Heroes at the Pentagon, which honors America's Medal of Honor winners. We are fortunate to have these two heroes seated with us today: Bill Lawley and Lee Mize. Bill received his Medal of Honor after World War II for flying his damaged B–17 and his crew to safety in spite of his terrible wounds and continued enemy attacks. Lee received his Medal of Honor after the Korean War for almost singlehandedly defending a strategic outpost from brutal and continuous enemy assaults, and then leading the counterattack that drove the enemy off. Ladies and gentlemen, on behalf of all veterans here and everywhere, let's show our appreciation to these two American heroes.

Colonels Lawley and Mize—and all their comrades-in-arms—did a great deal to make America safe, both at home and abroad.

Let me share with you a story—a true story. It now seems so long ago, but let me remind you of events back in 1989 before the Warsaw Pact collapsed and before the Berlin Wall came down. At that time there was an announcement by Hungary that they would not block East German citizens living in Hungary from emigrating to West Germany. Within days of that announcement East German citizens started showing up in Budapest. Some 800 individuals, as I recall, were ''camping'' in the yard at the West German embassy in Budapest. It became a crisis—what to do with them all.

After a day or so the West German government rented an entire train and transported these East German refugees to Frankfurt. I recall how CNN was on the scene, showing the train as it slowly moved west.

The night it arrived in Frankfurt a CNN news crew was on the scene and interviewing the refugees. I recall they cornered a young German couple—probably in the mid-20s. The wife was holding an infant. After asking a series of inane questions, the reporter asked the Germans, ''Is there anything you would like to say?'' The man said, ''Yes, there is something I would like to say. I would like to thank America for keeping a place in the world that is free.''

For me, it was a stunning moment. The United States decided after painful deliberation to retain troops in Europe. We had spent hundreds of billions of dollars during the Cold War maintaining a tense peace. And just when many Americans were getting tired and forgetting what it was all about, this young German said in such simple words what it all amounted to—''keeping a place in the world that is free.''

Right now, America is at relative peace. But it is an uneasy peace because we face new dangers of regional aggression, terrorism, and the spread of weapons of mass destruction. Just look at the headlines—Iraq rattling its saber, North Korea threatening and unstable, conflict brewing just below the surface in Bosnia. The challenge before our nation today was posed recently by a scholar named Donald Kagan in his book, *On the Origins of War*. He writes that: ''A persistent and repeated error through the ages has been the failure to understand that the preservation of peace requires active effort, planning, the expenditure of resources, and sacrifice, just as war does.''

President Clinton and Secretary Cohen are determined that the United States will not fail to seize the opportunity to preserve peace. Today, I want to talk about how we are going to preserve peace in Europe. The United States has devoted too much blood and treasure in two World Wars and a Cold War. The key to preventing war in Europe in the 21st Century is to spread the democracy, stability, and prosperity of Western Europe into Eastern and Central Europe, all the way to Russia. And the key to that is by enlarging NATO—inviting new members into the North Atlantic Treaty Organization.

Last summer, President Clinton and his 15 NATO counterparts took the historic step of inviting three former communist countries—Poland, Hungary, and the Czech Republic—to join NATO in 1999. But before this can happen, it must be approved by the citizens of all 16 NATO nations through their elected legislatures, including the United States Senate. This is a very serious decision for American and our Senate to make.

Fifty years ago, when George Marshall proposed the Marshall Plan to help rebuild Europe after World War II, he went around the country explaining the importance of rebuilding Europe. As a result, the Marshall Plan—in Harry Truman's words—was ''more than the creation of statesmen. It comes from the minds and hearts of the people.'' NATO enlargement must also come from the minds and hearts of the people. As President Clinton said, ''Because [NATO enlargement] is not without cost and risk, it is appropriate to have an open, full, national discussion.''

As the Senate prepares to consider NATO enlargement, it is crucial that all Americans join in this debate. We especially need to hear from our veterans. It is your voice—the voice of the American veteran—that must be heard in support of NATO enlargement.

We must remind America how the fiery hatreds of Europe drew us into World War I. Too many failed to make it to the 11th hour of the 11th day of the 11th month, the anniversary we honor today. We all must remind Americans how this ''lost generation'' served and sacrificed to give America a chance to build a safer Europe for the next generation. We must warn them how, when the guns of November fell silent, American ignored the embers of hatred that still smoldered in Europe, and we missed the opportunity to prevent another war.

To those who would turn our backs on Europe today, tell them the price our veterans paid in World War II as Hitler stoked the embers of hate into the deadliest war in human history. Tell them how sons returned to the very same terrain that their fathers had died to set free, as they plunged into the crashing surf at Normandy. A reporter for Star and Stripes was there, and filed this searing dispatch: ''There have been only a handful of days since the beginning of time in which the direction the world was taking has been changed for the better in one 24-hour period by an act of man. June 6, 1944 was one of them. What the Americans, the British, and the Canadians were trying to do was to get back an entire continent that had been taken from its rightful owners, whose citizens had been taken captive. It was one of the most monumentally unselfish things that one group of people ever did for another.'' That D-Day observer was today's Andy Rooney of ''60 Minutes'' fame.

We cannot turn our backs on Europe today. The generation that won the second World War gave us a second chance to build a safer world. The Marshall Plan offered an American hand of help and hope, to lift Europe out of the slough of despair and snuff the embers of war forever. Western Europe embraced the Marshall Plan and built strong democracies, strong economies, and a strong alliance called NATO. But the other half of Europe was denied the Marshall Plan when Joseph Stalin slammed down the Iron Curtain on America's helping hand. But still, America did not turn its back.

Through the long winter of the Cold War, we stood again with the free people of Europe. And today, having emerged victorious from that long, twilight struggle, we have an historic opportunity and a very sober challenge. We must complete George Marshall's vision for a Europe healed, whole, and free to ensure that Americans never again have to fight and die on European battlefields. The key is for NATO to reach out across the old Cold War divides, to nurture the new democracies in Eastern and Central Europe that have emerged from the iron grip of Soviet domination, and, when these countries are ready, willing, and able to join the Western Alliance, to invite them to join NATO.

That is what NATO has done. And today, when you visit the old capitals of the former Warsaw Pact nations, you can see a new spring in the air—of liberty, prosperity, and national security. The lines of commerce and communications are criss-crossing the old Cold War fault lines, knitting the continent closer together. Former NATO enemies are seizing every opportunity to meet, engage, and exercise their militaries with NATO—and three of these nations are now ready to join the Alliance.

This is a major step and we must have a full national debate. Some will argue that making NATO larger is going to make NATO weaker and therefore weaken America. I believe the reverse is true; a larger NATO reflects a wider allegiance to our values. Veterans of our European wars know the power of military alliances in deterring and defeating a common enemy. It was the creation of NATO in 1949 that halted Soviet designs on

Western Europe. It was the enlargement of NATO with Greece, Turkey, West Germany, and Spain that helped to strengthen the wall of democracy. And thanks to NATO, no American blood has been shed fighting another war in Europe for more than 50 years. So enlarging NATO with Poland and Hungary and the Czech Republic is going to carry that promise into the next century.

Some argue that these countries aren't ready to bear the burdens of membership. But in the past few months, our national security leaders have visited these nations and they came away convinced that the Poles, the Hungarians, and the Czechs fully intend to carry their responsibilities to contribute to the Alliance, not just benefit from it.

Some argue that by enlarging NATO we are going to be creating new lines of division in Europe. But in fact, NATO is at the center of a new dynamic in Europe that is rapidly erasing these old lines and bridging over old divisions. The mere prospect of jointing NATO has unleashed a powerful impetus for peace on that continent. Old rivals have settled their historic disputes and they have struck new accords and arrangements. Poland and Lithuania, Poland and Ukraine, Hungary and Romania, Italy and Slovenia, Germany and the Czech Republic—all have healed border disputes and other kinds of controversies that in the past have erupted into war. More than that, these old rivals are sealing these new ties by working together in the conference rooms and the training fields under NATO auspices.

Some argue that enlarging NATO is going to create new tensions and divisions in Russia and jeopardize Russia's move to democracy and its cooperation with the West. But in numerous actions, large and small, NATO and Russia are forging new links to overcome these old divisions. NATO and Russian air forces are now making authorized observation flights over each other's territory. Last spring, NATO and Russia signed a Founding Act that gives Russia a voice in—but not a vote or a veto over—NATO deliberations. And for the past two years, Russian and American troops have been serving together in Bosnia, going out on joint patrols to settle disputes before they ignite into conflict.

Finally, there are those who claim that NATO enlargement will cost too much. But alliances actually save money because they promote cooperation, interoperability, and they reduce redundancy. Simply put, it costs America less to defend our interests in Europe if Poland, Hungary, and the Czech Republic are in alliance with us, just as it costs them less to defend their interests by joining hands in the alliance itself. And we estimate that the cost to the United States each year over the next decade will be less than one-tenth of one percent of our defense budget. The costs of enlarging NATO are meager when weighed against the cost of potential instability and aggression in Europe if we fail to enlarge.

George Marshall knew the cost of war in Europe. He said it is ''spread before us, written neatly in the ledger, whose volumes are grave stones.'' Well, today, there are more than 70,000 such volumes written across Europe, the grave stones of Americans who rest where they fell, liberating a continent. And so their sacrifice echoes down to us through the decades from the hillsides in Florence, from the sloping green in Luxembourg, from the dignified rows on a cliff overlooking the Normandy shore. They did not serve, they did not sacrifice, they did not die for us so that we could walk away from the lands that they freed. It's their voices that we have to heed and the voices of every veteran of every conflict that we have ever fought. You know it is better to pay the price for peace than suffer the cost of war.

John F. Kennedy once said, ''A nation reveals itself not only by the individuals it produces, but also by those it honors, those it remembers.'' Here, today, on behalf of every man and woman who serves in the Department of Defense, let me say thank you to Birmingham. Thank you for remembering. Too many Americans observe Veterans Day in shopping malls. Too many school kids think of Veterans Day as a holiday. Too few cities pause to honor their native sons and daughters—the quiet heroes of freedom. But not Birmingham. It is because of Birmingham that America still keeps places in the world that are free. Every Veterans Day, America reveals its commitment to our armed forces by honoring and remembering the sacrifices of America's veterans. So I want to thank all the citizens of Birmingham for hosting this special event for 50 years and for making veterans everywhere feel like the heroes they are. And I want to thank all our veterans for keeping our nation safe and our citizens secure. God bless our veterans . . . God bless Birmingham . . . and God bless the United States of America.●

DUNGENESS CRAB CONSERVATION AND MANAGEMENT ACT

●Mrs. MURRAY. Mr. President, soon after the upcoming recess, I will join my colleague, Senator SLADE GORTON, to introduce the Dungeness Crab Conservation and Management Act. The ocean Dungeness crab fishery in WA, OR, and CA has been successfully managed by the three states for many years. The states cooperate on season openings, male-only harvest requirements, and minimum sizes; and all three states have enacted limited entry programs. Although the resource demonstrates natural cycles in abundance, over time the fishery has been sustained at a profitable level for fishermen and harvesters with no biological problems.

The fishery is conducted both within state waters and in the federal exclusive economic zone (EEZ). Although state landing laws restrict fishermen to delivering crab only to those states in which they are licensed, the actual harvest takes place along most of the West Coast, roughly from San Francisco to the Canadian border. Thus, it is not unusual for an Oregon-licensed fisherman from Newport to fish in the EEZ northwest of Westport, WA, and deliver his catch to a processor in Astoria, OR.

In recent years, federal court decisions under the umbrella of U.S. versus Washington have held that Northwest Indian tribes have treaty rights to harvest a share of the crab resource off Washington. To accommodate these rights, the State of Washington, has restricted fishing by Washington-licensed fishermen. This led Washington fishermen to request an extension of state fisheries jurisdiction into the EEZ. The Congress partially granted this request during the last Congress by giving the West Coast states interim authority over Dungeness crab, which expires in 1999 (16 U.S.C. 1856 *note*). The Congress also expressed its interest in seeing a fishery management plan established for Dungeness crab and asked the Pacific Fishery Management Council (PFMC) to report to Congress on this issue by December, 1997.

The PFMC established an industry committee to examine the issues, which developed several options. At its June meeting, the PFMC selected two options for further development and referred them for analysis to the Tri-State Dungeness Crab Committee which operates under the Pacific States Marine Fisheries Commission. After lengthy debate, the Tri-State Committee recommended to the Council that the Congress be requested to make the interim authority permanent with certain changes, including a clarification of what license is required for the fishery, broader authority for the states to ensure equitable access to the resource, and clarification of tribal rights. The Tri-State Committee agrees that each state's limited entry laws should apply only to vessels registered in that state. I ask unanimous consent to include the report of the Tri-State Dungeness Crab Committee and the membership list of the Committee in the RECORD following my remarks.

On September 12, 1997, the PFMC unanimously agreed to accept and support the Tri-State Committee recommendation. The Council agreed that the existing management structure effectively conserves the resource, that allocation issues are resolved by the restriction on application of state limited entry laws, that tribal rights are protected, and that the public interest in conservation and fiscal responsibility after better served by the legislative proposal than by developing and implemeting a fishery management plan under the Magnuson-Stevens Fishery Conservation and Management Act. This legislation will fully implement the Tri-State Committee recommendation and ensure the conservation and sound management of this important West Coast fishery.

I look foward to the Senate's timely consideration of this bill.

REPORT OF THE TRI-STATE DUNGENESS CRAB COMMITTEE TO THE PACIFIC FISHERY MANAGEMENT COUNCIL ON OPTIONS FOR DUNGENESS CRAB FISHERY MANAGEMENT, AUGUST 7, 1997

The Tri-State Dungeness Crab Committee met on August 6–7, 1997 to review the Pacific Fishery Management Council (PFMC) Analysis of Options for Dungeness Crab Management. A list of the attending Committee members, advisors, and observers is attached. After completing that review, the Committee discussed the merits of each option and offered the following comments for PFMC consideration.

There was general agreement within the Committee that Option 1, No Action, would not satisfy the current needs of the industry. There was unanimous opposition, however, among Oregon and California representatives to Option 3, Development of a Limited Federal Fishery Management Plan (FMP). Washington representatives were not strongly in favor of a FMP, but viewed it as the only realistic means to address their concerns for the fishery. After an extended discussion, it

was the consensus of the Committee that a modified version of Option 2, Extension of Interim Authority, was preferred.

There were three common themes that appeared during the discussion. No Committee members believe that there should be fishing or processing of Dungeness crab in waters of the EEZ under PFMC jurisdiction by any vessel not permitted or licensed in either Washington, Oregon, or California. The Committee generally accepted that additional tools beyond area closures and pot limits could be needed to address tribal allocation issues. Finally, the Committee also agreed that as a matter of fairness, vessels fishing alongside each other in an area should be subject to the same regulations. On that basis, the Tri-State Dungeness Crab Committee recommends that:

1. The PFMC immediately request that Congress make the current Interim Authority a permanent part of the Magnuson-Stevens Fishery Conservation and Management Act, applying only to Pacific coast Dungeness crab, with the following adjustments.

(a) delete the limitations listed in the current Section 2 of the Interim Authority so that state regulations will apply equally to all vessels in the EEZ and adjacent State waters; and

(b) clarify the language in the current Section 3B of the Interim Authority to prohibit participation in the fishery by vessels that are not registered in either Washington, Oregon, or California.

2. The PFMC defer action on a Dungeness crab FMP until March 1998 to determine whether Congress will be receptive to this extension of the Interim Authority.

Proposed draft bill language for an extension of the Interim Authority is attached.

This recommendation is not made without reservations on both sides. Washington representatives were reluctant to totally withdraw consideration of a federal FMP option, in the event that efforts to extend the Interim Authority fail. They expressed little confidence that a request for Congressional action would be successful. Representatives from Oregon were concerned that discriminatory regulations could be enacted in the future by other states that could effectively exclude them from participation on traditional fishing grounds. They preferred this risk over the involvement of federal agencies under a federal fishery management plan.

TRI-STATE DUNGENESS CRAB COMMITTEE MEETING, ATTENDANCE—AUGUST 6–7, 1997, PORTLAND, OR

COMMITTEE MEMBERS

Dick Sheldon, Columbia River Dungeness Crab Fishermen's Association, Ocean Park, WA
Ernie Summers, Washington Dungeness Crab Fishermen's Association, Westport, WA
Larry Thevik, Washington Dungeness Crab Fishermen's Association, Westport, WA
Terry Krager, Chinook Packing, Chinook, WA
Paul Davis, Oregon Fisher, Brookings, OR
Bob Eder, Oregon Fisher, Newport, OR
Tom Nowlin, Oregon Fisher, Coos Bay, OR
Stan Schones, Oregon Fisher, Newport, OR
Russell Smotherman, Oregon Fisher, Warrenton, OR
Joe Speir, Oregon Fisher, Brookings, OR
Rod Moore, West Coast Seafood Processors Association, Portland, OR
Harold Ames, CA Fisher, Bodega Bay, CA
Mike Cunningham, CA Fisher, Eureka, CA
Tom Fulkerson, CA Fisher, Trinidad, CA
Tom Timmer, CA Fisher, Crescent City, CA
Jerry Thomas, Eureka Fisheries, Inc., Eureka, CA

ADVISORS

Steve Barry, Washington Department of Fish and Wildlife, Montesano, WA
Paul LaRiviere, Washington Department of Fish and Wildlife, Montesano, WA
Neil Richmond, Oregon Department of Fish and Wildlife, Charleston, OR

OBSERVERS

Tom Kelly, WA Fisher, Westport, WA
Mike Mail, Quinault Tribe, Taholah, WA
Nick Furman, Oregon Dungeness Crab Commission, Coos Bay, OR●

JULIAN SIMON

● Mr. ABRAHAM. Mr. President, I would like to bring to my colleagues attention an article by Ben Wattenberg on the recent passing of economist Julian Simon. Dr. Simon, who I had the pleasure of meeting, was a great lover of freedom and a strong advocate for free markets. He was a pioneer who presented important research showing the benefits of legal immigration. His research also demonstrated that the rationale for the type of population control practiced in many places in the world is misguided and harmful. In other words, human beings are not problems to be solved. Such positions never won him popularity contests among certain groups, but as The Washington Times wrote of Julian Simon: ''His forecasts about trends in resource availability, pollution and other effects of additional people have been completely borne out by events.'' A fitting epitaph. I ask that the articles by Ben Wattenberg and Julian Simon be printed in the RECORD.

The articles follow:

[From The Wall Street Journal, Feb. 11, 1998]

MALTHUS, WATCH OUT

(By Ben Wattenberg)

Julian Simon, who waged intellectual war on environmentalists and Malthusians, died suddenly on Sunday. He would have been 66 tomorrow, the day of his funeral.

Simon could sometimes glow like an exposed wire, crackling with nervous intellectual intensity. Privately, he had a soul of purest honey. But by force of will, fueled by his sizzling energy, Simon helped push a generation of Americans to rethink their views on population, resources and the environment. By now it is clear that in this task he was largely successful. As the years roll on he will be more successful yet, his work studied, and picked at, by regiments of graduate students.

His keystone work was ''The Ultimate Resource,'' published in 1981 and updated in 1996 as ''The Ultimate Resource 2'' (Princeton University Press). Its central point is clear: Supplies of natural resources are not finite in any serious way; they are created by the intellect of man, an always renewable resource. Coal, oil and uranium were not resources at all until mixed well with human intellect.

The notion drove some environmentalists crazy. If it were true, poof!—there went so many of the crises that justified their existence. From their air-conditioned offices in high-rise buildings, they brayed: Simon believes in a technological fix! The attacks often got personal: Simon's doctorate was in business economics, they sniffed; he had merely been a professor of advertising and marketing, and—get this—he had actually started a mail order business and written a book about how to do it. Never mind that he also studied population economics for a quarter century.

In fact, it was Simon's knowledge of real-world commerce that gave him an edge in the intellectual wars. He knew firsthand about some things that many environmentalists had only touched gingerly, like prices. If the real resource was the human intellect, Simon reasoned, and the amount of human intellect was increasing, both quantitatively through population growth and qualitatively through education, then the supply of resources would grow, outrunning demand, pushing prices down and giving people more access to what they wanted, with more than enough left over to deal with pollution and congestion. In short, mankind faced the very opposite of a crisis.

Simon rarely presented a sentence not supported by facts—facts arranged in serried ranks to confront the opposition; facts about forests and food, pollution and poverty, nuclear power and nonrenewable resources; facts used as foot soldiers to strike blows for accuracy.

In a famous bet, gloom-meister Paul Ehrlich took up Simon's challenge and wagered that between 1980 and 1990 scarcity would drive resource prices up. Simon bet that progress would push prices down. Simon won the bet, easily. Mr. Ehrlich won a MacArthur Foundation ''genius'' grant. But the wheel turns, and we'll see who's a genius. Fortune magazine listed Simon among ''the world's most stimulating thinkers.'' Mr. Ehrlich didn't make the cut.

Simon sensed the primacy of something else that many environmentalists and crisis-mongers didn't catch on to for a quite a time: Human intellect could best be transformed into beneficial goods and services in an atmosphere of political and economic liberty. At the United Nations' Mexico City population conference in 1984 Simon winced, and counterattacked, when population alarmists caricatured the Reagan-appointed American delegation as promoting the idea that ''capitalism is the best contraceptive.'' It was not a good idea to ridicule capitalism, or free markets, or human liberty, in Simon's presence.

Of course, rising living standards do tend to depress fertility. Living standards do rise faster under democratic market systems. Smart folks now know that the fruits of economic growth can be used to diminish pollution. You don't hear much anymore about how we're running out of everything. (Next task: Simonize the Global Warmists.)

Finally, unlike many of his opponents, Julian was a traditionalist. He did not work on the Sabbath, and the Friday Sabbath dinner at the Simon house was always a gentle and joyous celebration.

At rest on the Sabbath, Julian was indefatigable the rest of the week, chasing his precious facts. If Thomas Malthus is in heaven, he's in for an argument, laced with facts, facts, facts.

[From the Wall Street Journal Tuesday, April 22, 1997]

ANOTHER SURE BET ON EARTH DAY

[By Julian L. Simon]

The message of Earth Day is uplifting today just as it was in 1970. But any reasonable person who looks at the statistical evidence must agree that Earth Day's original scientific premises are simply wrong.

Panic reigned during the first Earth Week. The doomsaying environmentalists—among whom the pre-eminent figure was Paul Ehrlich—asserted that the oceans and the Great Lakes were dying; great famines were impending; the death rate would quickly increase, due to pollution; and increasingly-scarce raw materials would reverse the past centuries' progress in the standard of living.

Every ill was the result of exploding populations in the U.S. and abroad. The doomsayers urged government-coerced birth control, abroad and even at home.

Of course none of those calamities have occurred. Indeed, long before 1970, however, most agricultural economists—led by Nobel Prize winner Theodore Schultz—had known that people throughout the world have been living longer and eating better since at least 1950 in the poor countries, and for two centuries in the rich countries. Fewer people die of famine than a century ago. The real prices of food are lower than in earlier periods.

All other raw materials, too: In the great 1963 book ''Scarcity and Growth,'' Harold Barnett and Chandler Morse had documented that prices had been declining throughout history, signaling increased natural-resource availability rather than growing scarcity.

Data showing improved cleanliness of air and purity of water in the rich countries had been published before 1970. Since then the major air and water pollutions in the advanced countries have continued to abate rather than worsen. And statistical studies by Richard Easterlin and Nobel Prize winner Simon Kuznets had in 1967 shown there to be no statistical evidence that population growth hinders economic progress. Yet the environmental organizations, the press, and the Clinton administration still take as doctrine exactly the same falsified ideas expressed by the doomsayers in 1970.

Scientific opinion about population growth has now shifted away from the doomsayers' apocalyptic views. In 1986 the National Academy of Sciences published a report on population growth and economic development prepared by a prestigious scholarly committee chaired by economists D. Gale Johnson and Ronald Lee. It reversed almost completely the frightening conclusions of the previous NAS report in 1971. The expert group found ''no statistical association between national rates of population growth and growth rates of income per capita,'' though they hedged their qualitative judgment a bit. The report found benefits of additional population as well as costs.

I'm sufficiently certain about these trends that I'm willing to put my money where my mouth is. In 1980, Mr. Ehrlich and two associates bet me that increasing scarcity would bring higher prices of raw materials. We agreed to assess the trends in $1,000 worth of copper, chrome, nickel, tin, and tungsten for ten years. I would win if resources grew more abundant and thus cheaper, and they would win if resources became more expensive. At settling time in 1990, the Ehrlich team sent me a check for $576.07. The inflation-adjusted price of our basket of metals had declined more than 40% over the bet period.

More environmental and resource data are available nowadays. And a single bet proves little. Hence I make the new broader bet offer to any prominent doomsayer that just about any trend pertaining to material human welfare will improve rather than get worse. The other person picks the trend(s)—life expectancy, a price of a natural resource, some measure of air or water pollution, the number of telephones per person, or whatever—and chooses the area of the world, and the future year a decade or more hence.

Professor Ehrlich and global-warming climatologist Stephen Schneider have responded to my offer with a strategy one might call switch-and-bait. They first switch the subject from material human welfare, and offer to bet on a set of physical indicators such as sperm count, global temperature, and levels of carbon dioxide and ozone. They call these elusive measures ''indirect indicators.'' But they are not relevant. The subject is economic welfare (including health) and not atmospheric science.

Furthermore, the economic goodness or badness of many physical indicators is quite unknown. Carbon dioxide makes the plants grow faster; more of it may be a good thing. And only two decades ago Mr. Schneider wrote a book about the imminent danger of global cooling, so perhaps a higher mean temperature is not the demon he now warns us of.

When I explain these ideas, Mr. Ehrlich baits me—on National Public Radio and elsewhere—by saying that I ''chickened out'' and ''ran.'' The fact that these folks have to resort to such a switch-and-bait ploy reveals a lot about the strength of their position.

The continuing influence of the failed forecasters among the media and policy makers is frustrating. But it's spring, so let's look at the good news. There is every scientific reason to be joyful about the trends in Earth's condition, and to be hopeful for humanity's future. So we can safely ignore the scare stories and have a Happy Earth Day.

TODAY'S LINE-ITEM VETO DECISION

● Mr. LEAHY. Mr. President, today, the United States District Court for the District of Columbia has again held the line-item veto unconstitutional. I respect the decision of Judge Thomas F. Hogan. I respect it not only because his analysis is consistent with that which led me to oppose this legislation when it was being considered by the Senate. I also respect it because it was right as a matter of constitutional law and as a means to preserve the separation of powers that is so central to the checks and balances that preserve our freedoms and liberty.

We hear a lot of speeches around here condemning judges. Here is a Judge who has done his job and stood up for the Constitution against the ill-advised action of the political branches.

It is not our independent federal judiciary that is upsetting the limits of government and fundamental freedoms of us all. Congress has shown a dangerous tendency over the last few years to ignore constitutional limits on Federal legislative branch authority. Maybe it is Members of Congress who need to read the Constitution and consider its wisdom.

The last week of its last term, the United States Supreme Court struck down three congressional actions as unconstitutional, including the so-called Communications Decency Act and the Brady Act, both of which I voted against. The Supreme Court withheld ruling on the line-item veto law at that time, because it held that the plaintiffs in that case were without standing to bring the challenge. It was just a matter of time and occasion. The decision by Judge Thomas Penfield Jackson in the earlier case had presaged the ruling today. The line-item veto was and is unconstitutional. I proudly stand with Senator BYRD on this matter.

I would ask Congress to step back from this specific decision and consider how unprecedented this is: Four statutes that do not comport with the constitutional limits on congressional authority overturned from a single Congress.

It is unfortunate that Congress is far too often overstepping its constitutional bounds. It is unfortunate that the courts have to rein Congress in from time to time, with increasing frequency as the Republican majority loses its moorings, but that is the thankless responsibility of the courts under our system of checks and balances.

I have come to this floor often in the last several months to defend the judiciary against shrill attacks. I come today to offer my continuing gratitude and respect for our co-equal branch of government. We are the envy of the world in part because our free and independent judicial branch has served our country so well for more than 200 years.

We should be doing more to keep it that way, not less. We are finally beginning to consider longstanding judicial nominations to fill the vacancies that plague the federal judiciary and threaten the administration of justice. We need to do more. We should consider without further delay the judiciary's requests for the resources that they need. We should consider S. 678, the Federal Judgeship Act, which I introduced at the request of the Judicial Conference to provide an additional 55 judges where needed around the country. We should act on S. 394, which I sponsored with Senator HATCH to unlink judicial salaries from our own. We should consider and confirm qualified nominees to the 83 vacancies to the federal courts.

Finally, I hope that members of Congress will rethink the rush to propose amendment to our Constitution and consider how well our fundamental charter serves us. We do not need to rewrite the Constitution, we need to respect it and act in accordance with its design.●

KATHLEEN JONES AND MOIRA DELAHANTY—WINNERS OF THE PRUDENTIAL SPIRIT OF COMMUNITY AWARD AND CHRISTOPHER VACHON, CHRISTOPHER PAPPAJOHN, JOSEPH ALLISON, JUSTINE BARRETT, DISTINGUISHED FINALISTS

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Kathleen Jones and Moira Delahanty who have achieved national recognition for recieving the Prudential Spirit of Community Award. I commend their youthful spirit and aggressive drive to improve the quality of life in New Hampshire through community service.

The award, presented by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, recognizes young people who have shown a great deal of commitment and dedication to improving their community. As New Hampshire's honorees,

Kathleen and Moira will receive $1,000, a silver medallion and a trip in May to Washington, D.C., where they will join other honorees for four days of national events.

According to Kathleen, she wanted to make a difference in her community and spend time helping others. As a result, she launched an environmental group called Earth Service Corps. Today, the group has nearly 70 members who help build and maintain hiking trails, initiate and conduct recycling programs, and plant trees throughout the state. Kathleen not only was the founder, but she also plans group meetings, serves as a liaison with community groups, and handles all administrative work for the Corps.

Moira volunteers as an aide to a swimming instructor with the local chapter of the American Red Cross. She helps younger kids overcome their fears of water and then teaches them to swim. She completed a special training session and volunteered for one month over the course of two summers. Her love for teaching and her passion to help others overcome individual fears is a great attribute I admire dearly.

I also would like to salute four other young people who were named Distinguished Finalists by The Prudential Spirit of Community Award and recieved the bronze medallion for their outstanding volunteer service. They are: Christopher Vachon, 14, Pinkerton Academy in Derry, created several multimedia presentations to promote driving safety among teenagers; Christopher Pappajohn, 16, Keene High School, raised $40,000 with a group of friends to build a skate park in his town; Joseph Allison, 13, Hudson Memorial Middle School, volunteers in his community for a variety of nearby organizations; and Justine Barrett, 14, West Running Brook Middle School in Derry, helped collect money for the needy through a Holiday Fund at her school.

These extraordinary young people continue to keep alive the virtue of community service and inspire others to do the same. Their personal initiatives, dedicated service and hard work have impacted the lives of many. In a time when Americans seem to be less involved in their communities, these young Americans continue to defend and keep the community flame shining brightly. Mr. President, I want to congratulate these individuals for their outstanding work and I am proud to represent them in the U.S. Senate.●

JAMES FARMER AWARDED THE PRESIDENTIAL MEDAL OF FREEDOM

● Mr. ROBB. Mr. President, while this Congress was in recess, the President of the United States awarded the Presidential Medal of Freedom, our country's highest civilian honor, to James Farmer. The Medal was given to Mr. Farmer on January 15, 1998, the birthday of the Reverend Martin Luther King, Jr., in a symbolic gesture that reminded us again of the value of freedom, and the debt we owe those who sacrificed greatly for racial equality in America.

Mr. President, James Farmer was one of the six major civil rights leaders of the civil rights era, joining A. Philip Randolph, Roy Wilkins, Whitney Young, John Lewis and Martin Luther King, Jr. He helped establish, and later lead, the Congress of Racial Equality (CORE). He was the father of the famous Freedom Rides through the South. He organized and inspired. He placed himself in great personal danger again and again. Today, he teaches civil rights history to some very lucky students at Mary Washington College in Fredericksburg, Virginia.

Last year, I was pleased to join Congressman JOHN LEWIS and others in asking that the President award the Medal of Freedom to James Farmer. Last month, Lynda and I were privileged to be at the White House when President Clinton officially presented the Medal to Mr. Farmer.

Before the White House ceremony, Congressman LEWIS and I prepared a tribute to James Farmer, which I ask be printed in the RECORD following my remarks today. In this tribute, we thank James Farmer for a lifetime of fighting for racial equality in America. We challenge our nation to continue to learn from this great American hero—to continue to reach for a truly color-blind society—to finally lay down the burden of race.●

HUMAN CLONING PROHIBITION ACT

● Mr. DORGAN. Mr. President, I want to take a few minutes to explain why I voted against cloture on S. 1601, the Human Cloning Prohibition Act introduced by Senators BOND, FRIST, LOTT, and GREGG.

First of all, I want to state unequivocally that I am against the cloning of a human being. Cloning of a human child raises serious moral and ethical questions about society's perception of human life. The National Bioethics Advisory Commission, after a thorough review of the ethical and legal issues involved, has recommended that Congress enact legislation to prohibit the use of cloning to create a child, and I agree that Congress needs to act on this issue.

We should not, however, rush to enact legislation that could do serious harm to other critical medical research. The legislation before the Senate today is only eight days old. The Senate Labor Committee and Senate Judiciary Committee, which have jurisdiction over this bill, have not had the opportunity to hold hearings on this specific legislation or the other bills that have recently been introduced, much less consider amendments to the language.

In the meantime, the Food and Drug Administration has already determined that it has authority and jurisdiction over human cloning and has stated that it would act to prohibit any attempt to clone a human being. In addition, professional organizations representing more than 64,000 scientists have voluntarily imposed upon themselves a five-year moratorium on human cloning.

Most importantly, as we take action to ban the cloning of humans, I want to be sure that we do not also ban valuable medical research that could lead to cures or treatments for the millions of Americans suffering from cancer, heart disease, diabetes, organ failure, Alzheimer's disease, Parkinson's disease, severe skin burns, and many other diseases that perhaps we haven't even identified yet. Scientists do not yet understand exactly how somatic cell nuclear transfer, the technique used in cloning Dolly the sheep in Scotland last spring, worked.

But medical researchers believe that this technology can be used to generate stem cells to treat disease. For instance, imagine being able in the not-so-distant future to repair the damage to the cardiac muscle caused by a heart attack. Using stem cell technology, we may be able to replace damaged cardiac cells with healthy cells that would then differentiate into cardiac muscle. I do not know whether this will ultimately prove to work, but I believe we should continue to pursue this type of research if it could help to save the lives of millions of Americans each year.

The Nation's scientific community has expressed deep concern that the legislation before us, as currently drafted, could halt stem cell research and other related research that would not lead to the cloning of human beings. Everyone I have talked to agrees that this is a complicated and difficult issue. We need to proceed, but we need to do so in the careful, considered way that has earned the Senate the reputation of the ''world's greatest deliberative body.''

Mr. President, I ask that a New York Times editorial on this subject be printed in the RECORD.

The editorial follows:

[From the New York Times, Feb. 10, 1998]

A SLAPDASH PROPOSAL ON CLONING

The shock caused by the physicist Richard Seed's grandiose intention to clone human beings may be about to cause more damage than anything Dr. Seed could do in the laboratory. Senate Republicans are now rushing to enact a bill that would outlaw cloning a human embryo and, in the process, ban a valuable technique that could potentially cure a wide range of diseases. No wonder a slew of scientific associations and high-tech industry groups are urging more carefully constructed legislation. The sensitive scientific and moral issues involved here require careful handling, not grandstanding by politicians more interested in pandering than in reaching a reasoned solution.

Congress may ultimately want to impose limits on cloning, a technique that has arrived sooner than expected with the announcement last year that Scottish scientists had cloned a lamb from the cell of an adult sheep. That achievement, if it proves practical in humans, would make it possible to take a cell from an adult and use it to produce a genetically identical twin many years younger than the parent. A national bioethics commission, the biotechnology and pharmaceutical industries and many scientific groups have all called for a moratorium on actually cloning a person until society has time to grapple with the ethical and moral issues.

But the bill sponsored by the Republican Senators Christopher Bond, William Frist and Judd Gregg does not simply prohibit the use of cloning to produce a human embryo for implantation in the womb. It would also prohibit use of the technique to produce genetically identical tissues in the laboratory to treat diseases or injuries where a person's existing cells are damaged or insufficient. Such ailments include leukemia, diabetes, Alzheimer's disease, spinal cord injury, heart attacks and severe burns, among others.

The Republicans contend that even these approaches require creating what amounts to an embryo in the laboratory and then experimenting on it to produce the desired tissues. But that is a complex matter of definitions and techniques that requires careful evaluation. The Republican bill and others on the subject have not even gone through committee hearings. When the matter comes up for a floor vote this week, the Senate should postpone action and demand more considered deliberation. It would be a shame if the rush to ban cloning of people ended up crippling biomedical research.●

50TH BIRTHDAY OF MICHAEL B. ROBERTSON

● Mr. MOYNIHAN. Mr. President, next Wednesday, February 18, marks an auspicious occasion: Michael B. Robertson—a constituent—will turn 50. He will become a quinquagenarian. Individuals often approach this milestone with some trepidation. That need not be, for as Sir Richard Steele wrote, ''Age in a virtuous person, of either sex, carries in it an authority which makes it preferable to all the pleasures of youth.'' Now, Steele was all of 38 or 39 when he wrote that in 1711, but I can attest to the sentiment, having become a septuagenarian last March. More important, we learn from Leviticus 25:10 that ''Ye shall hallow the fiftieth year, and proclaim liberty throughout all the land unto all the inhabitants thereof: it shall be a jubilee unto you.''

Michael Robertson was born in Scotland in 1948. But he ''left fair Scotland's strand'' at the age of six and moved with his family to the United States. He obtained a bachelor of arts degree in English from Wilkes University in Wilkes Barre, Pennsylvania in 1969. From there, as a young man, he headed west, following the advice of Horace Greeley (actually, it was the advice of John Babsone Lane Soule, in an article published in the Terre Haute Express in 1851).

His car and his funds made it to Los Angeles. He had to find work, and ended up taking a job in the mailroom of Carson/Roberts Advertising. His superiors quickly recognized his innate ability and work ethic, and promoted him to copywriter. Soon thereafter, he was an associate creative director with Young & Rubicam, eventually returning to the East Coast. Onward and upward in the highly competitive business of advertising to his present position as executive creative director of Bates USA, where he is responsible for the overall creative product of a $1.1 billion agency.

Mr. Robertson, I might note, is a neighbor of sorts. His office is in the venerable Chrysler Building, a few floors below the suite which is my New York City office. He has a lovely family, including a daughter, Megan (just recently married); a son, Brendan (a strapping young man presently in college); and another daughter, Charlotte (a star fourth-grader at the Nightingale-Bamford School). His wife, Linda, is quite accomplished in her own right: she produced the television commercials commemorating the fiftieth anniversary of the United Nations.

I would like to take this opportunity, Mr. President, to join with Michael Robertson's family and friends too numerous to count in wishing him a very happy fiftieth birthday. May it truly be a jubilee.●

LONDONDERRY HIGH SCHOOL LANCER MARCHING BAND, PARTICIPANT IN THE WASHINGTON, D.C., ST. PATRICK'S DAY PARADE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate the students of the Londonderry High School Lancers Marching Band for the distinguished honor of representing New Hampshire in the Washington, D.C., St. Patrick's Day Parade. All 201 band members and Andrew Soucy, the Band's director, deserve special commendation for their hard work and achievement.

These band members have proven that determination, hardwork and dedication are the hallmarks of success both as musicians and students. Many of the songs they play symbolize American pride and forever keep patriotism alive through the language of music. ''Londonderry Ear,'' also known as ''Oh Danny Boy,'' is a hometown favorite that is also played in tribute to the Granite State and their home town.

I am indeed honored to have the Londonderry High School Lancer Marching Band representing New Hampshire with their outstanding musical performances. I had the pleasure of meeting some of the band members, young men and women, who have recognized their own talents and continue to develop them into something great. I am proud to say, this continual drive for perfection and aggressive strive for greatness are commendable characteristics among Granite State students.

These students not only attended school and practice, but they also had to raise money through several fundraisers to come to Washington, D.C. As a result, the band accomplished their goal by implementing a plan and having the right attitude and talent to meet their goal.

The Londonderry High School Lancers Marching Band with their classic red, white, and blue uniforms have performed for audiences throughout the country. To name a few, they played at the Foxboro Stadium, home of the New England Patriots in Boston, Massachusetts, Nascar Winston Cup Series, and for Good Morning America, an ABC Television Network.

I also want to recognize the Londonderry community, for giving so much support in helping these young adults. I am well aware of the pride the community has for this talented band. It is much easier to be successful when you have the support of others and the backing from friends and family.

Mr. President, I want to congratulate all the students and the director on such a magnificent accomplishment and I am proud to represent them in the U.S. Senate. I also ask that a list of the names of these outstanding students be printed in the RECORD.

The list follows:

LONDONDERRY HIGH SCHOOL LANCER MARCHING BAND

Scott Abernethy, Noura Alkhamis, Bridget Ambrose, Heather Applegate, Jordon Avalos, Christina Belmonte, Matthew Blake, Danielle Boshetto, Katie Broadhead, Carolynne Camillieri, Greta Carlson, Sarah Chretien, Ashley Clover, James Dahlfred, Jessica Davis, Arthur Decaneas, Tim Desmarais, William Doss, Amanda Eaton, Sheridan Farrah Jr., Bethany Ferreira, Nathan Formalarie, Kim Garrison, Madelyn Gonzalez, Bridget Gugliotta, John Harding, Andrew Hatin, Tara Henry, Nik Janson, Adam Keller, Kerry Kilpatrick, Joy Arbruzese, Vanessa Allum,

Dan Anderson, Patrick Applegate, Sabrina Baker, Kristin Beltrimini, Suzanne Blundell, Meleah Brackett, Candice Brown, Ashley Carlson, Mike Carlson, Tim Christensen, Sarah Cody, Katie Daneau, Dave Day, Robert Decker Jr., Jenn Dillon, Kristen Dubois, Michelle Eddy, Mike Fawcett, Greg Fisher, Rachael Fryd, Leah Gaumont, Nicole Gregorio, Kate Gunnery, Jason Harrington, Kristen Hatin, Neil Huntemann, Elizabeth Jones, Andrew Keller, Katie Klasner, Alexandra Adams, Allison Alper, Andrew Applegate, Ryan Arnold, Diego Batista, Erin Blake,

Robyn Bookman, Christine Bradbury, Melissa Burns, Drew Carlson, Leslie Cast, Diana Church, Rachel Cox, Abby Davidson, Karen Day, Barbara Deluca, Michelle Dillon, Dan Dussault, Michael Edwards, Adam Fernald, Marc Flore, Dana Garrison, Jamie Gogla, Kirsten Griffiths, Chris Hajjar, Karen Harvey, Erin Hegarty, Kim Huston, Kristine Jones, Carin Kilar,

Jason Krampfert, Kristen Krampfert, Danielle Levison, Greg Lufkin, Jaimie Machado, Caitlin Marrinan, Kaylie Matos, Katie McCarthy, Dary Mcgrath, Julia Mechachonis, Kim Mendonca, Paul Mistovish, Tom Morse, Sarah Munday, Kim Novielli, Elizabeth Oswald, Jason Pelletier, Katie Piper, Tim Porter, Jennifer Reynolds, Elizabeth Rockwell, Melissa Ross, Steven Roy, Collean Scali, Shannon Scioscia, Anne Shea, Katie Silvius, Matthew Smith, Joseph Soucy, James Stewart, Ashley Taylor, Jamie Thomas, Mark Tuden, Marianne Vanagel,

Christine Walker, Melissa Wills, Stephanie Young, Amanda Leitch, Ryan Levison, Dave Lymburner, Kelly Macneil, Joseph Martin, Jim Maxwell, Kerry McCarty, Caitlin McIntire, Robert Mee, Eric Meyer, Emily Morgano, Eric Mosse, Colleen Murphy, Cortiney Nye, Brian Paciulan, Jessica Pelletier, Lindsay Piper, Toby Porter, David Poberson, Katherine Rork, Seana Roussel, Amanda Rudy, Paul Schacht, Kayla Seaman, Carly Sheehan, Dennis Slozak, Stephanie Smith, Sarah Soucy, Jackie Sunderland, Georgia Theodore, Robert Tobin, Jay Vaccaro, Emily Violette,

Kerry Walton, Adam Wobrock, Victoria Zabierek, Amanda Lever, Jesse Lore, Drew Macculloch, Dan Marchegiani, Lance Martin, Rachel McCarter, Shannon McCarty, Jen McMahon, Dan Melnick, Deryc Miller, John Morse, Jessica Moulton, Jessica Napier, Amanda Oswald, Enrique Paniagua, John Perry, Sue Plissey, Rebecca Predko, Mike Roberson, Jennifer Ross, Melissa Roy, Jack Ryan, Andrew Schroeder, Matthew Sharpe, Tim Sheehan, Crystal Smith, Kevin Socha, Ethan Stern, Nicki Sweet, Sarah Thesse, Peter Tomaselli, Jeff Vaccaro, Christina Vitale, Richard Williams, Renee Wright, Scott Zdankiewicz.●

A TRIBUTE TO AN AMERICAN FREEDOM FIGHTER

● Mr. ROBB. Mr. President, as one man who had the privilege to march and demonstrate alongside this dedicated pioneer during the Civil Rights Movement, and another who has long respected his courage and is proud to represent him in the U.S. Senate, we both have enormous respect and admiration for James Farmer. Now, all Americans are being given the opportunity both to learn more about this man and to appreciate his lifetime of contributions to our nation as a civil rights activist, community leader and teacher.

Yesterday, on the birth date of the Reverend Martin Luther King, Jr., President Clinton presented the Presidential Medal of Freedom, our country's highest civilian honor, to fifteen distinguished Americans. We are grateful that James Farmer, one of the ''Big Six'' leaders of the Civil Rights Movement and the father of the Freedom Rides, was among them.

As the Nation prepares to officially celebrate the life and legacy of Dr. Martin Luther King, Jr., it is also fitting that we join the President in recognizing one of the great soldiers and leaders of the Civil Rights Movement. In the 1940's, while still in his early twenties, James Farmer was already leading some of the earliest nonviolent demonstrations and sit-ins in the Nation, over a decade before nonviolent tactics became a vehicle for the modern Civil Rights Movement in the South.

Early in his academic career, James Farmer became interested in the Ghandian principles of civil disobedience, direct action, and nonviolence. In 1942, at the age of 22, he enlisted an interracial group, mostly students, and founded the Congress of Racial Equality (CORE), with the goal of using nonviolent protest to fight segregation in America. During these early years, James Farmer and other CORE members staged our Nation's first nonviolent sit-in, which successfully desegregated the Jack Spratt Coffee Shop in Chicago.

Five years later, in what he called the ''Journey of Reconciliation,'' James Farmer led other CORE members to challenge segregated seating on interstate buses.

In 1961, James Farmer orchestrated and led the famous Freedom Rides through the South, which are renown for forcing Americans to confront segregation in bus terminals and on interstate buses. In the spring of that year, James Farmer trained a small group of freedom riders, teaching them to deal with the hostility they were likely to encounter using nonviolent resistance. This training would serve them well.

During the journeys, freedom riders were beaten. Buses were burned. When riders and their supporters—including James Farmer and the Reverend Martin Luther King, Jr.—were trapped during a rally in Montgomery's First Baptist Church, Attorney General Robert Kennedy ordered U.S. marshals to come to their aid and protect them from the angry mob that had gathered outside.

In reflecting on the ride from Montgomery, Alabama to Jackson, Mississippi, James Farmer said, ''I don't think any of us thought we were going to get to Jackson * * * I was scared and I am sure the kids were scared.'' He later wrote in his autobiography, ''If any man says that he had no fear in the action of the sixties, he is a liar. Or without imagination.''

James Farmer made it to Jackson and spent forty days in jail after he tried to enter a white restroom at the bus station. On November 1, 1961, six months after the freedom rides began, the Interstate Commerce Commission ordered all interstate buses and terminal facilities to be integrated.

Six years ago, James Farmer told a reporter that while the fight against racism in the 1960's ''required tough skulls and guts * * * now it requires intellect, training and education.''

Not surprisingly, James Farmer continues to do his part. Just as he taught his freedom riders how to battle segregation over three decades ago, he has taught civil rights history at Mary Washington College in Fredericksburg, Virginia, for the past twelve years. He teaches his students how to remember and how to learn from history.

James Farmer has, in truth, spent a lifetime teaching America the value of equality and opportunity. He has taught America that its most volatile social problems could be solved nonviolently. He has reminded us of the countless acts of courage and conviction needed to bring about great change. He has shown us the idealism needed to act and the pragmatism needed to succeed. His respect for humanity and his belief in justice will forever inspire those of us privileged to call him mentor and friend.

As we celebrate the Martin Luther King Holiday on Monday, and as we honor James Farmer with the Presidential Medal of Freedom, let us vow to continue to learn. If we truly believe in the idea of the beloved community and an interracial democracy, we cannot give up. As a nation and a people, we must join together and strive towards laying down the burden of race. And we must follow in the footsteps of a courageous leader, to whom, with the Presidential Medal of Freedom, we can finally say: thank you, James Farmer.●

AUTHORIZING PRODUCTION OF SENATE DOCUMENTS BY SENATE LEGAL COUNSEL

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 178, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 178) to authorize production of Senate documents and representation by Senate Legal Counsel in *United States f.u.b.o. Kimberly Industries, Inc., et al.* v. *Trafalgar House Construction, Inc., et al.*

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a contract dispute, pending as a civil case in the United States District Court for the Southern District of West Virginia, between a subcontractor and the prime contractor constructing a Department of Labor Job Corps facility in Charleston, West Virginia. Prior to the litigation, the subcontractor, a West Virginia firm, sought assistance from Senator BYRD's and Senator ROCKEFELLER's offices in contacting the Labor Department regarding the firm's difficulties over payment for its work on the project. In the civil lawsuit that has ensued between the two contracting firms, the prime contractor has now requested that the offices of Senator BYRD and Senator ROCKEFELLER produce from their files copies of documents concerning the West Virginia Job Corps project.

The constituent subcontractor firm has advised, through the Senate Legal Counsel, that it has no objection to the release of its correspondence with the Senator's offices. Thus, the usual principle of constituent confidentiality is not implicated here. However, as is often the case when a constituent reports difficulties in dealing with an executive agency, Senator BYRD's office and Senator ROCKEFELLER's office have advised that their constituent's communications regarding this matter informed the Senators' consideration of potential alternatives to address the problem, including undertaking legislative or oversight action regarding the Labor Department's construction program and procurement procedures. In

order to protect Senators' ability to undertake their legislative responsibilities free from interference and questioning, the Speech or Debate Clause of the Constitution privileges from compelled production in court proceedings materials from Senators' files relating to the legislative sphere.

Nevertheless, Senators BYRD and ROCKEFELLER are willing to provide to the parties in this case copies of documents reflecting their offices' role, to the extent that they may properly do so without impairing the important interests underlying the Senate's constitutional privileges. In view of the subcontractor's lack of objection, the Senators also have no objection to furnishing copies of their correspondence with the subcontractor. In addition, both Senators would like to provide the records of their communications with the Labor Department regarding this matter. Consistent with the overriding importance that the Constitution recognizes in fostering unimpeded communications between Senators and their staffs concerning matters of potential legislative action, the Senators will not waive their legislative privileges for their offices' internal records and work product.

Accordingly, this resolution would authorize Senator BYRD's and Senator ROCKEFELLER's offices to produce documents in this case, except where a privilege or objection should be asserted. The resolution also would authorize the Senate Legal Counsel to represent employees in Senator BYRD's and Senator ROCKEFELLER's offices, should such representation become necessary to protect the Senate's privileges in connection with this matter.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 178) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 178

Whereas, in the case of *United States f.u.b.o. Kimberly Industries* v. *Trafalgar House Construction*, Civil Case No. 97–0462, pending in the United States District Court for the Southern District of West Virginia, documents have been requested from the offices of Senator Robert C. Byrd and Senator John D. Rockefeller IV;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for evidence relating to their official responsibilities;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved That the offices of Senator Byrd and Senator Rockefeller are authorized to produce documents in the case of *United States f.u.b.o. Kimberly Industries* v. *Trafalgar House Construction* except concerning matters for which a privilege or objection should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent employees of the Senator Byrd and Senator Rockefeller in connection with any subpoena or request for documents or testimony in *United States f.u.b.o. Kimberly Industries* v. *Trafalgar House Construction*.

ORDERS FOR FRIDAY, FEBRUARY 13, 1998

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Friday, February 13, for a pro forma session only and immediately the Senate stand in adjournment until Monday, February 23, as under the provisions of H. Con. Res 201, the adjournment resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, FEBRUARY 23, 1998

Mr. COVERDELL. Mr. President, I ask unanimous consent that on Monday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then proceed to the reading of President Washington's Farewell Address by Senator LANDRIEU.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask unanimous consent that, following the reading, the Senate proceed to a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. Mr. President, in conjunction with the previous unanimous consent agreements, tomorrow the Senate will be in a pro forma session only. Upon the return from the President's Day recess on February 23, the Senate will reconvene at 12 noon, and following Senator LANDRIEU's reading of George Washington's Address, the Senate will be in a period for morning business until 3 p.m. No rollcall votes will occur during the Monday, February 23, session of the Senate. Members can anticipate rollcall votes after 2:15 p.m. on Tuesday, February 24.

UNANIMOUS CONSENT AGREEMENT—CAMPAIGN FINANCE REFORM

Mr. COVERDELL. At 3 p.m. on Monday, February 23, 1998, I ask unanimous consent that the Senate proceed to the campaign finance reform legislation, as outlined in the consent agreement of October 30, 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment, under the previous order, following the remarks of Senator LAUTENBERG and Senator SPECTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized.

(The remarks of Mr. LAUTENBERG pertaining to the introduction of the legislation are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Chair.

IRAQ

Mr. SPECTER. Mr. President, I have sought recognition, and as the final speaker before we adjourn for a recess, I am going to comment about the situation in Iraq.

It had been my hope that the Congress might have addressed this issue. But it is obvious now that we will not. I think that the Congress—at least the Senate—is not addressing the issue because there is not clear-cut agreement in this body as to how to proceed.

My own view is that an air attack and a missile attack, if one is to be carried out, constitutes an act of war. And under the Constitution that requires Congressional authorization. The President is authorized as the Commander in Chief—and there is only one Commander in Chief, and it is obvious that where the 535 Members of the Congress cannot agree upon a program that we are not committed to be the executive. That is why we have an executive. But still the Constitution requires that war would be declared only by an act of Congress. And I think the international law interpretations make it plain that military action, like air attack or missile attack, does constitute an act of war.

I believe that we have not yet seen a clear definition of U.S. objectives as to what we are seeking to accomplish. My sense is that the American people are not prepared for what may occur.

I make it a practice, as I know the Chair does, of having open house town meetings. And I had three this week—

on Monday in Cumberland County, Lebanon County, and Lancaster County, PA. There is great concern among my constituents—those whom I have talked to there and other places—of not having an idea as to precisely what we are going to accomplish.

It is my hope, if action is to be taken, that before any action is taken the President of the United States will address the American people and will identify the goals as he sees them and evaluate our likelihood of attaining those goals so that the people of the United States will be prepared and understand what is going to happen. But I do not see at this date how there can be public support for an attack in the absence of informing the American people, preparing them and having a public dialog on the subject. The Congress is speaking loudly by not speaking at all on a resolution to authorize the use of force against Iraq.

In 1991, on January 10, this body authorized the use of force. I was at the forefront arguing that force should be used at that time. We had an extended debate. The Congress—the Senate specifically—was complimented for having a classic debate on what our vital national interests were and how we should respond. I do believe that we have a vital national interest in what is going on in Iraq at the present time. I do believe that there are great dangers posed by Saddam Hussein and by his weapons of mass destruction.

I had an opportunity back in January of 1990—just 8 years ago on a trip with Senator RICHARD SHELBY—to talk to Saddam Hussein. It is not an easy matter to deal with Saddam Hussein, as we have seen. There is some talk that Saddam Hussein ought to be toppled. But the air attacks, the missiles, and the planes will not accomplish that. It is plain at this juncture that there is no positioning of the kind of ground forces necessary to topple Saddam Hussein. Even as to the air attacks, it is plain that we will not destroy all of Saddam Hussein's weapons of mass destruction.

The question is: How will Saddam Hussein come out of whatever military force we use? I am very much concerned that he may come out a martyr. Certainly the lack of support for the United States raises major questions as to how the rest of the world views this issue.

On my travels—and I have traveled extensively, Mr. President, in my capacity as Chairman of the Senate Intelligence Committee in the 104th Congress, and my work on the Foreign Operations Subcommittee—I have found that there is great admiration for the United States around the world. People all over the globe admire our economic achievements. They admire our values. They admire our freedom, and the success of our free enterprise system. But there is also a touch of concern about abuse of power or excessive use of power, perhaps arrogance. And, we have to evaluate that very carefully in what we do as to Iraq.

I made a trip to the Mideast from late December to mid-January, and wherever I went I heard concerns about the projection of American power and concerns about the Iraqi civilian population, not Saddam Hussein, but concern about the Iraqi civilian population. It is an odd quirk of history that after the great success of the United States, the coalition put together by President Bush, which was a masterful job, President Bush is in Houston and Saddam is still in Baghdad running Iraq.

I have spoken with some frequency on the question of greater personal Presidential involvement in international dispute resolution, a subject that I have discussed personally with the President. It is my view that President Clinton can leave the Department of Agriculture to Secretary Glickman and the Department of the Interior to Secretary Babbitt, and so forth, but only the President of the United States can wield the enormous power that comes from the Presidency.

In 1995, Senator Brown and I spoke to Prime Minister Gowda of India, who said to us that he hoped the subcontinent could become nuclear free. The next day we passed that information on to Prime Minister Benazir Bhutto of Pakistan, who asked us if we had it in writing. We told her, of course, we did not. But we asked her when she had last talked to the Prime Minister of India. She said, ''We don't talk.''

That night Senator Brown and I cabled President Clinton with those views fresh in our mind, urging the President to call those Prime Ministers to the Oval Office; nobody turns down an invitation to the Oval Office. And later talking to the President, he said, well, I intend to do that after I am reelected. I have talked to him since, and it has not yet happened.

I think the President did an outstanding job, and I compliment him on the negotiations in the Mideast in the 1995 timeframe where the President and the Secretary of State, Warren Christopher, almost brokered an agreement between Syria and Israel. When I met with the President in mid-December before my trip to the Mideast, I urged him to become active again on that track of the peace process because I think the parties are very close.

I had a chance to talk to Prime Minister Netanyahu and President Assad in August-November of 1996, and they were pretty far apart. Prime Minister Netanyahu said that he wanted to resume peace negotiations but he had a new mandate, he wanted to start fresh. President Assad of Syria said that he would want to start negotiations but would want to pick up where he, or Syria, and Prime Minister Rabin left off before Prime Minister Rabin's assassination in November of 1995. In talking to them last month the words were about the same but the music was different.

I think that Presidential involvement there might find success, especially with the explicit condition that any agreement would be subject to ratification by the Israeli electorate on the Golan Heights, something about which only Israel could make a decision for themselves considering all the security factors, and the issue with the Palestinians much more difficult, the Israel-Palestine crack. But here I think personal Presidential involvement might be very successful. I think there has been the absence of that, where we find ourselves with only Great Britain at our side now as we look to action against Iraq. I have heard what the Secretary of Defense has had to say, and I have total respect and confidence in Secretary Cohen based on the 16 years that I worked with him in the Senate. But he alone cannot carry the Executive burden in this matter.

On the information at hand, we do not have the cooperation of others in a military attack. I think that has to be weighed very carefully. I do think that there are alternatives. I do think that the issue of a blockade is something that might bring Saddam Hussein, if not to his knees, to a greater economic impasse. It would be my hope that before action is taken which constitutes an act of war, the issue would be debated by the Senate and by the House of Representatives and an appropriate resolution would be put before us to have the appropriate constitutional authorization.

I know that many of our colleagues have spoken on this matter in the course of the last several days, and as the last speaker in the Senate before we go to adjournment, I did want to make these comments for whatever consideration the President and the Executive may choose to make of them.

NOMINATION OF JUDGE MASSIAH-JACKSON

Mr. SPECTER. Mr. President, I did not have an opportunity yesterday after the Majority Leader announced the resolution of the proceedings as to the pending nomination of Judge Massiah-Jackson for the United States District Court for the Eastern District of Pennsylvania. I sought recognition to speak with unanimous consent for up to 1 minute, and there was an objection levied so I was not able to talk at that time.

I cannot limit my remarks to a single minute today because there are other things to be commented upon, but I believe that the referral of this matter to the Judiciary Committee is the appropriate course of conduct. Notwithstanding my continuing efforts to set forth the facts, my own personal activities have been grossly inaccurately reported.

First, it is President Clinton who has recommended Judge Massiah-Jackson for the Federal court. That is the President's nomination. It is not my nomination or the nomination of Senator SANTORUM. It is true that Massiah-Jackson was cleared by a nonpartisan panel appointed by Senator SANTORUM and me, but that approval

does not involve any personal activity or action by either of the Senators.

Second, in my capacity as a member of the Senate Judiciary Committee and since Judge Massiah-Jackson is a constituent, I have vigorously sought to see that she received fair treatment, just as I did when the Judiciary Committee considered the nomination of Justice Clarence Thomas.

Third, I have made a public commitment to review all the matters submitted by her opponents before casting my vote on the Senate floor.

Fourth, I have been proactive in seeking all the facts against her confirmation as well as all of the facts of those who support her.

The charge has been made that I made a ''deal'' with the White House to appoint Judge Massiah-Jackson in exchange for the appointment of Judge Bruce Kauffman, who was sworn into the United States District Court on January 20. The facts are that I am party to an arrangement for Republicans to receive one nomination for the district courts for every three Democrats who are nominated, an arrangement identical with that now applicable to the State of New York. But I am not under any obligation to support any specific nominee, nor anybody submitted by the White House from the Democratic ranks. I am not under any obligation to support anyone, including Judge Massiah-Jackson, if I conclude the person is not qualified.

When Judge Massiah-Jackson's nomination was announced by the President on July 31, 1997, there were rumors of opposition, and in order to try to find out what the facts were in opposition, Senator SANTORUM, Senator BIDEN and I held a hearing in Philadelphia on October 3. All of the witnesses who testified favored Judge Massiah-Jackson, including five of her colleagues from the Common Pleas bench.

Mayor Rendell, who had been district attorney for 3 of her 7 years on the criminal bench, was enthusiastically in support of her nomination. Then the Judiciary Committee held its formal hearing on October 29, and again no witnesses opposed her. Senator KYL, Senator SESSIONS and I questioned her closely on her record, and on November 6 she was reported out of the Committee by a vote of 12 to 6.

Thereafter, when district attorneys from Pennsylvania raised objections, Senator SANTORUM and I took a proactive position to meet those district attorneys, and we heard them out on January 23. I then arranged to get all of their opposing cases by January 30, with an opportunity for Judge Massiah-Jackson to respond, and that is what we await at the present time. As a matter of fundamental fairness, she is entitled to that hearing.

So, I think the Senate has taken the appropriate stand to have the hearing, and those who object will hear what Judge Massiah-Jackson has to say and then I, as a juror, along with my colleagues, will take a look at all of the facts and make a decision as to whether she is to be confirmed or whether she should be rejected. I thank the Chair for the courtesy and I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until 10 a.m., Friday, February 13, 1998.

Thereupon, the Senate, at 5:31 p.m, adjourned until Friday, February 13, 1998, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 12, 1998:

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) KEITH W. LIPPERT, 0000
REAR ADM. (LH) PAUL O. SODERBERG, 0000

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) MARTIN E. JANCZAK, 0000
REAR ADM. (LH) PIERCE J. JOHNSON, 0000
REAR ADM. (LH) LARY L. POE, 0000
REAR ADM. (LH) MICHAEL R. SCOTT, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. (LH) KATHLEEN L. MARTIN, 0000

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOHN R. ABEL, 0000
JOAN M. ABELMAN, 0000
GRANT O. ADAMS, 0000
ELIZABETH Z. ANDERSON, 0000
EDWARD L. ANGEL, 0000
ENRIQUE ARROYO, 0000
SISSAY AWOKE, 0000
GARY M. BAGLIEBTER, 0000
HILMAR H. BARTELS, 0000
JOHN BARTUS, 0000
MARK R. BASSETT, 0000
JAMES B. BECHTEL, 0000
JAMES A. BOUSKA, 0000
MICHAEL D. BRATLIEN, 0000
DONALD C. BROWN, 0000
JEFFERY W. BRYANT, 0000
MICHAEL J. BUNDSHUH, 0000
ROBERT E. BURGY, 0000
JOHN B. BURROUGHS, JR, 0000
BENTON L. BUSBEE, 0000
SUSAN T. BUSLER, 0000
FRANK L. BUTLER III, 0000
JAMES R. CALLARD, 0000
BLANCHE A. CASEY, 0000
JOE E. CASLER, 0000
PATRICIA S. CHRISTIE, 0000
RANDALL B. CLARK, 0000
THOMAS A. CLARKE, 0000
SYLVIA L. COLEMAN, 0000
GEORGE R. COOK, 0000
GEORGE J. COYLE, JR., 0000
ERIC W. CRABTREE, 0000
EDWARD F. CROWELL, 0000
WILLIAM R. CULVER, 0000
JAMES H. DEATLEY, 0000
JAMES D. DESHEFY, 0000
EDWARD D. DINGIVAN, 0000
DONNA K. DOUGHERTY, 0000
JAMES M. EITEL II, 0000
MARC I. EPSTEIN, 0000
MARIANNE G. FARRAR, 0000
DONALD E. FLETCHER, JR., 0000
JOHN C. FOBIAN, 0000
KEITH R. GABRIEL, 0000
ANITA R. GALLENTINE, 0000
DANIEL D. GAMMAGE, 0000
JAMES A. GEBHARDT, 0000
STEVEN J. GENTLING, 0000
DANIEL P. GILLEN, 0000
LARRY N. GOFF, 0000
MARIO GOICO, 0000
JAMES W. GRAVES, 0000
ROBERT S. GRAVES, 0000
ROBERT A. GUALTIERI, 0000
LYNN M. GULICK, 0000
ADELINE F. HAMMOND, 0000
REDMOND H. HANDY, 0000
JOHN S. HANSEN, 0000
ALBERT S. HARTMAN III, 0000
THOMAS W. HARTMANN, 0000
THOMAS B. HAYTHORN, 0000
ROSEMARY A. HEREDY, 0000
PATRICIA HOLDERNESS, 0000
RICHARD C. HOLLOMAN, 0000
KENNETH K. HSU, 0000
GARY C. HUCKABAY, 0000
DORIS E. HUNOLT, 0000
WILLIAM W. HURD, 0000
PHILIP D. INSCOE, 0000
JEFFREY W. IPPOLITO, 0000
CANDACE A. JACOBS, 0000
DANIEL G. JARLENSKI, JR., 0000
ARMAS J. JASKEY, JR., 0000
DAVID E. JOHNSON, 0000
PERRY C. JOHNSON, 0000
KENNETH I. JOHNSTON, 0000
ALLAN M. JONES III, 0000
LEONARD R. KIGHT, 0000
RAYMOND F. KNAPP, 0000
ELAINE L. KNIGHT, 0000
ROBERT E. KOENEN, 0000
MARK V. KOLLEDA, 0000
CRAIG W. KUEBKER, 0000
HUGH K. LANCASTER, JR., 0000
FREDERICK K. LANGE, 0000
CAROL A. LEE, 0000
ALAN F. LEHMAN, 0000
RALPH F. LIEBHABER, 0000
JOHN L. LITZENBERGER, JR., 0000
DENNIS E. LUNDQUIST, 0000
ROBERT W. MARCOTT, 0000
DEBRA L. MATTHEW, 0000
SHERYL M. MAY, 0000
MARYJO MAZICK, 0000
NEAL F. MCBRIDE, 0000
LINDA L. MCHALE, 0000
CHRISTOPHER C. MEARS, 0000
JEFFREY S. MEINTS, 0000
KATHY S. MEISETSCHLEAGER, 0000
NELSON L. MELLITZ, 0000
GERALD F. MICHELETTI, 0000
DONALD R. MICHELS, 0000
JIMMY W. MILLER, 0000
WILLIAM F. MORGAN, JR., 0000
KENNETH J. MORRIS, 0000
GEOFFREY C. MORRISON, 0000
PATRICIA A. MORRISON, 0000
RAFIK D. MUAWWAD, 0000
BRIAN D. MUDD, 0000
CARLYN R. MUNN, 0000
KATHLEEN M. MURRAY, 0000
MARK D. NICKERSON, 0000
MAUREEN OMALLEY, 0000
JON M OWINGS, 0000
LOUIS E. PAPE II, 0000
JAMES L. PARTINGTON, 0000
GREGORY B. PAVLIN, 0000
LINDA K. PEARCE, 0000
WAYNE F. PETITTO, 0000
SUSAN J. POTTER, 0000
THOMAS G. POTTS, 0000
PAMELA E. PRETE, 0000
GARY P. PRICE, 0000
WILLIAM M. PRICE, 0000
RODOLFO C. PRUNEDA, 0000
ROCKY R. QUINTANA, 0000
SANDRA B. RAUSCH, 0000
CHARLES E. REED, JR., 0000
JOHN D. REED, 0000
HAROLD G. REPASKY, 0000
CLAIR D. REPPLE, 0000
SHIRLEY RIBAK, 0000
WILLIS T. RICHIE, JR., 0000
DAVID C. RIDER, 0000
BARBARA U. RILEY-CUNNINGHAM, 0000
CRAIG M. RIRIE, 0000
BARRY K. ROBERTS, 0000
JAMES B. ROBERTS, JR., 0000
JULIO E. ROLDAN, 0000
WILLIAM F. ROLLIN, 0000
ROBERT D. ROSENBLOOM, 0000
DAVID B. ROSS, 0000
ROARK M. ROSSON, 0000
KENTON E. RUDICEL, 0000
JAMES H. RUFFNER, 0000
DIANE M. RUSSELL, 0000
RONALD A. RUTLAND, 0000
RICHARD S. SCHMIDT, 0000
HARRY W. SCHONAU III, 0000
KEVIN M. SCHROEDER, 0000
RONALD R. SEE, 0000
JAMES L. SELZER, 0000
KENNETH R. SETTLE, 0000
ROBERT D. SHANKS, JR., 0000
RICHARD V. SHAWLEY, 0000
JEFFREY J. SHORT, 0000
CARL M. SKINNER, 0000
JOHN M. SMILEY, 0000
GARY W. SMITH, 0000
SANDRA E. SMITHPOLING, 0000
GREGORY K. SPACKMAN, 0000
MICHAEL C. STAMPLEY, 0000
NORMAN P. STEELE, JR., 0000
EDWARD S. STOKES III, 0000
WILLIAM H. STROM, 0000
WILLIAM N. STRYKER, 0000
LAURA A. TALBOT, 0000

PAUL M. TORPEY, 0000
SHEILA LYNN BUCKLEY TOW, 0000
JOHN W. TURNER, 0000
THOMAS J. UNDERWOOD, 0000
MAUREEN A. VACCARO, 0000
DANIEL J. VICIAN, 0000
CHARLES T. VONO, 0000
TAKESHI WAJIMA, 0000
DAVID D. WALLS, JR., 0000
JANE D. WEAVER, 0000
SUSAN J. WENTZELL, 0000
RONALD E. WHITCOMB, 0000
KENNETH F. WIEGAND, JR., 0000
DAVID W. WOLLENBURG, 0000
TIMOTHY W. WROTEN, 0000
LINDA J. WYSE, 0000
MICHAEL J. YASZEMSKI, 0000
HELENE R. YOSKO, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate February 12, 1998:

THE JUDICIARY

MICHAEL B. THORNTON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE.

DEPARTMENT OF THE TREASURY

DONALD C. LUBICK, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

THE JUDICIARY

L. PAIGE MARVEL, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER SHE TAKES OFFICE.

EXECUTIVE OFFICE OF THE PRESIDENT

RICHARD W. FISHER, OF TEXAS, TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on February 12, 1998, withdrawing from further Senate consideration the following nominations:

THE JUDICIARY

LYNNE R. LASRY, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE JOHN S. RHODES, SR., RETIRED, WHICH WAS SENT TO THE SENATE ON FEBRUARY 12, 1997.

JOHN H. BINGLER, JR., OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE MAURICE B. COHILL, JR., RETIRED, WHICH WAS SENT TO THE SENATE ON JULY 31, 1997.

EXTENSIONS OF REMARKS

TELECOMMUNICATIONS ACT OF 1996

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. SHIMKUS. Mr. Speaker, two years ago this week, after literally years of intense and contentious debate, the President signed into law the Telecommunications Act of 1996. Passage of this landmark legislation represented the largest overhaul of our nation's communications laws in more than 60 years. The Telecommunications Act was intended to remove long standing monopoly protections to allow customers to get long-distance service from their local phone company or local phone service from their long-distance or cable company. This historic new law would also permit customers to get many communications services—local and long distance phone service, cable and cellular service—from one company on one bill.

Many in Congress hailed this new law as the ''greatest jobs bill of the decade.'' The President praised the law saying ''customers will receive the benefits of lower prices, better quality and greater choices in their telephone and cable service, and they will continue to benefit from a diversity of voices and viewpoints in radio, television and the print media.''

Unfortunately, Mr. Speaker, it's two years later and consumers have yet to see most of the benefits. What they do see are mergers and lawsuits filed by frustrated would-be competitors. Thus far the Federal Communications Commission has rejected bids by three of the former Bell Companies seeking to enter the long-distance market. In many areas, cable rates have risen and potential new competitors struggle to secure the necessary programming which is critical to their survival and growth.

The FCC has a new Chairman and three new commissioners. While I am encouraged by their public statements pledging to move forward with implementation of the Act—I am disappointed in the fact that little, if any, progress has been made. There is absolutely no reason why Americans can't start realizing the benefits of the Telecommunications Act now.

JAPAN'S OPEN MARKET COMMITMENT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise to express my strong support for the U.S. Trade Representative's announcement of February 3, 1998, regarding Japan's Open Market Commitment. This is the first time the United States has held Japan to its publicly-stated commitments concerning its photographic film and paper market. Eastman Kodak Company, one of America's most reputable companies, has maintained a market presence in Japan for over a century. Yet in all that time, Kodak has never received fair access to consumer markets. Kodak has consistently been forced to contend with an elaborate system of unfair and arbitrary trade barriers created by a close alliance between Japanese business and Japanese government entities. These market arrangements are aimed specifically at nurturing domestic producers at the expense of consumers and U.S. competitors. The U.S. Trade Representative's statement regarding Japan's Open Market Commitment is a clear sign that the anti-U.S. trade conditions in Japan are no longer acceptable.

Asia's current economic challenges and subsequent failures are a direct consequence of the flawed Asian economic model inspired and popularized by Japan. Japan's tradition of controlling its economy and favoring specific producers has been duplicated in countries like Korea, Indonesia and Thailand, and is now being exposed as a prescription for economic failure. Japan's economic instability is demonstrated by the collapse of its fourth-largest securities firm and tenth-largest bank within days of each other. Equally, its financial crisis has brought to light far-reaching government corruption, including a scandal which forced the resignation of Finance Minister Heroshi Mitzuka, the most powerful member of the Japanese cabinet, as well as the arrests of two of his senior ministry officials. These developments expose ever-widening collusion between the Japanese government and specific Japanese businesses. These economic and financial crises stem from Japanese inflexibility, resistance to change, and the exclusion of foreign competitors.

Japan's Open Market Commitment directly addresses the need for economic flexibility and open competition. It insists Japan fulfill its publicly-stated commitments to open its markets, to increase competition, and to end control of its economy by powerful bureaucrats. Rather than government officials bent on dictating unrealistic economic outcomes, Japan's economy must be led by free market discipline.

TRIBUTE TO ELIZABETH HEFLIN-McCLOUD

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. LEVIN. Mr. Speaker, I rise today to honor the memory of Mrs. Elizabeth Heflin-McCloud, a Royal Oak Township Trustee. Mrs. McCloud died in her home on January 6, 1998.

Born in Talladega, Alabama in 1918 to Oscar and Littie Ywyman, Mrs. McCloud later moved to Michigan. Here, through her association with many community and civic organizations, Mrs. McCloud made a difference in the lives of so many people. She served on the Library Board, Oakdale Activity Committee, New Mount Vernon Church, Business and Professional Women, AFL–CIO, Community Development Block Grant, Township Beautification Committee, and the Democratic Club of Ferndale and Royal Oak Township.

After working 38 years at Chrysler Corporation, Mrs. McCloud decided to enter public service, and served as a Royal Oak Township Trustee from 1992 to the present. She was a friend of so many people and of so many causes.

I ask my colleagues to join me as we extend our sincere sympathy to the friends and relatives of Mrs. McCloud who will always be remembered for her outstanding contributions to the world around her.

JOHN TRACY, KERN COUNTY CATTLEMAN OF THE YEAR

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. THOMAS. Mr. Speaker, I am proud to have this opportunity to recognize John Tracy of Buttonwillow, California. John Tracy, a fourth generation Kern County rancher, is the recipient of the 1998 ''Kern County Cattleman of the Year'' award. Kern County is one of the country's biggest agricultural counties, and cattle are one of Kern's most important products.

The Tracy family has been in Kern County over 120 years, and John is carrying on in his family's footsteps. John took over running his family's ranch when he was just 22 years old, after the death of his father. Armed with a Bachelor of Science in farm management from Cal Poly, Mr. Tracy carried on his family's proud heritage and made many innovations in the ranch's operation. Among these were reorganizing his cow-calf grazing operation into an intensive feedlot enterprise and using agricultural by-products in a scientifically balanced nutrition program, thus making conservation and recycling work.

Since taking over his family's operation nearly 30 years ago, John Tracy has become an integral and active part of the agricultural community in Kern County. He has been director of both the Kern County Cattlemen's Association and the California Beef Council. The work of John and his family with the Kern County Fair's Junior Livestock Auction has made him an outstanding role model, as well as for the young people of Kern County.

John Tracy has earned the respect and admiration of his peers and of his neighbors. He has served as Buttonwillow's honorary Mayor and last year received the Buttonwillow Peace Officers Recognition of Merit. He has been described by other ranchers as ''a 21st century businessman with 19th century cattleman values.''

As director of the California Cattlemen's Association, he has worked on behalf of other cattlemen against the inheritance tax, so that family farms, like his own, can be passed from one generation to the next. He has also worked for grazing and endangered species reform. I sometimes think that people like John Tracy should be at the top of the nation's endangered species list; he is a family rancher, struggling against nature, a tough economy, and federal encroachment, while trying to keep his family's proud heritage intact so he can pass it to the next generation.

I congratulate John Tracy on being Kern County's Cattleman of the Year.

INTRODUCTION OF THE ''ON-LINE COPYRIGHT INFRINGEMENT LIABILITY LIMITATION ACT''

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. COBLE. Mr. Speaker, The ''On-Line Copyright Infringement Liability Limitation Act'' is being introduced to address concerns raised by a number of on-line service and Internet access providers regarding their potential liability for copyright infringement when infringing material is transmitted on-line through their services. While several judicially created doctrines currently address the question of when liability is appropriate, providers have sought greater certainty through legislation as to how these doctrines will apply in the digital environment.

In July of last Year, Chairman HENRY HYDE and I introduced a bill, H.R. 2180, to begin the discussion in this Congress on this issue. Since that time, the Judiciary Subcommittee on Courts and Intellectual Property, which I chair, has held two legislative hearings on that bill. In addition, Representative BOB GOODLATTE of Virginia, a senior Member of the Subcommittee, has invested months of his time leading negotiation sessions between on-line service and Internet access providers, telephone companies, libraries, universities and copyright owners.

This bill is the result of those hearings and negotiation sessions and represents a common base from which to begin the markup process. It does so by codifying the core of current case law dealing with the liability of on-line service providers, while narrowing and clarifying the law in other respects that all parties agree should be addressed.

This bill offers the advantage of incorporating and building on those judicial applications of existing copyright law to the digital environment that have been widely accepted as fair and reasonable. The bill takes a minimalist approach, and has been drafted in as simple a manner as possible, imposing limitations on liability without reference to specific technologies, without detailed procedures and codes of conduct, and without setting out a long list of factors that must be met in order to qualify.

The bill distinguishes between direct infringement and secondary liability, treating each separately. This structure is consistent with evolving case law, and appropriate in light of the different legal bases for the policies behind the different forms of liability.

As to direct infringement, liability is ruled out for passive, automatic acts engaged in through a technological process initiated by another. Thus, the bill essentially codifies the result in the leading and most thoughtful judicial decision to date; Religious Technology Center v. Netcom On-line Communications Services, Inc. In doing so, it overrules those aspects of the Playboy v. Frena case, inasmuch as that case might apply to service providers, suggesting that such acts could constitute direct infringement, and provides certainty that Netcom and its progeny, so far only a few district court cases, will be the law of the land.

As to secondary liability, the bill changes existing law in two primary respects: no monetary relief can be assessed for the passive, automatic acts identified in Religious Technology Center v. Netcom On-line Communications Services, Inc., and the current criteria for finding contributory infringement or vicarious liability are made clearer and somewhat more difficult to satisfy. In a change from the bill as introduced, additional criteria are no longer included. Injunctive relief will, however, remain available, ensuring that it is possible for copyright owners to secure the cooperation of those with the capacity to prevent ongoing infringement.

Finally, the various safeguards that were included in the bill as introduced are incorporated in the substitute, as modified to reflect comments and suggestions submitted by interested parties. These safeguards include language intended to guard against interference with privacy; a provision ensuring that nonprofit institutions such as universities will not be prejudiced when they determine that an allegedly infringing use is fair use; a provision protecting service providers from lawsuits when they act to assist copyright owners in limiting or preventing infringement; and a provision requiring payment of costs incurred when someone knowlingly makes false accusations of on-line infringement.

SECTION-BY-SECTION ANALYSIS

Paragraph 512(a)(1) exempts a provider from liability on the basis of direct infringement for transmitting material over its system or network at the request of a third party, and for the intermediate storage of such material, in certain circumstances. The exempted storage and transmissions are those carried out through an automatic technological process that is indiscriminate—i.e., the provider takes no part in the selection of the particular material transmitted—where the copies are retained no longer than necessary for the purpose of carrying out the transmission. This conduct would ordinarily include forwarding of customers' Usenet postings to other Internet sites in accordance with configuration settings that apply to all such postings. It would also include routing of packets from one point to another on the Internet.

This exemption codifies the result of Religious Technology Center v. Netcom On-line Communications Services, Inc., 907 F. Supp. 1361 (N.D. Cal. 1995) (''Netcom''), with respect to liability of providers for direct infringement. See id. at 1368–70. In Netcom the court held that a provider is not liable for direct infringement where it takes no ''affirmative action that directly results] in copying . . . works other than by installing and maintaining a system whereby software automatically forwards messages received from subscribers . . . and temporarily stores copies on its system.'' By referring to temporary storage of copies, Netcom recognizes implicitly that intermediate copies may be retained without liability for only a limited period of time. The requirement in paragraph 512(a)(1) that ''any copy made of the material is not retained longer than necessary for the purpose of carrying out that transmission'' is drawn from the facts of the Netcom case, and is intended to codify this implicit limitation in the Netcom holding.

Paragraph 512(a)(2) exempts a provider from any type of monetary relief under theories of contributory infringement or vicarious liability for the same activities for which providers are exempt from any liability for direct infringement under paragraph 512(a)(1). This provision extends the Netcom holding with respect to direct infringement to remove monetary exposure for claims arising under doctrines of secondary liability. Taken together, paragraphs (1) and (2) mean that providers will never be liable for any monetary damages for this type of transmission of material at the request of third parties and for intermediate storage of such material. Copyright owners may still seek an injunction against such activities under theories of secondary liability, if they can establish the necessary elements of a claim.

Paragraph 512(a)(3) similarly exempts a provider from monetary relief under theories of contributory infringement or vicarious liability for conduct going beyond the scope of paragraph (1), where a provider's level of participation in and knowledge of the infringement are low. Such conduct could include providing storage on a server and transmitting material from such storage in response to requests from users of the Internet. In addition, the provision modifies and clarifies the knowledge element of contributory infringement and the financial benefit element of vicarious liability. Even if a provider satisfies the common-law elements of contributory infringement or vicarious liability, it will be exempt from monetary liability if it satisfies the criteria in subparagraphs (A) and (B). As under paragraph (2), copyright owners may still seek an injunction even if the provider qualifies for the exemption from monetary relief.

The knowledge standard in subparagraph (A) is nearly identical to that used in the bill as introduced, and is intended to be functionally equivalent. In addition to actual knowledge, it includes ''information indicating that the material is infringing.'' This would include a notice or any other ''red flag''—information of any kind that a reasonable person would rely upon. It may, in appropriate circumstances include the absence of customary indicia of ownership or authorization, such as a standard and accepted digital watermark or other copyright management information. As subsection (b) makes clear, the bill imposes no obligation on a provider to seek out such red flags. Once a provider becomes aware of a red flag, however, it ceases to quality for the exemption and, under existing law, it may have a duty to follow up.

This standard differs from existing law, under which a defendant may be liable for contributory infringement if it knows or should have known that material was infringing.

The financial benefit standard in subparagraph (B) is intended to codify and clarify the

direct financial benefit element of vicarious liability as it has been interpreted in cases such as Marobie-FL, Inc. v. National Association of Fire Equipment Distributors, F. Supp. (N.D. Ill. 1997). As in Marobie, receiving a one-time set-up fee and flat periodic payments for service from a person engaging in infringing activities would not constitute receiving ''a financial benefit directly attributable to the infringing activity.'' Nor is subparagraph (B) intended to cover fees based on the length of the message (per number of bytes, for example) or by connect time. It would, however, include any such fees where the value of the service lies in providing access to infringing material.

The number of factors required to establish eligibility for the exemption under the bill is two, as compared with six under the bill as originally introduced. Several of the original factors were rendered unnecessary because direct infringement and secondary liability are no longer combined in a single exemption. In addition, the reduced number of factors reflects an effort to further simplify the bill, and to avoid further contention over the specific formulation of several of the factors.

INTRODUCING A BILL TO CONVEY ADMINISTRATIVE AND OTHER LANDS IN THE GEORGE WASHINGTON AND JEFFERSON NATIONAL FORESTS

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. GOODLATTE. Mr. Speaker today I introduced a bill to convey administrative and other lands in the George Washington and Jefferson National Forests and to utilize the value derived therefrom to acquire replacement sites where appropriate and for suitable improvements for National Forest administrative purposes.

In addition, my bill grants authority for the Forest Service to sell 200 acres of land adjacent to U.S. Interstate 64 to the Allegheny Highlands Economic Development Authority via the Commonwealth of Virginia for purposes of developing a corporate area catering to high-tech companies. It will be named Innovation Park.

Innovation Park should prove to have a positive economic impact by bringing high-tech jobs to those living in rural areas. This project will not only address a need for good, high paying jobs, but also for additional transportation, water and wastewater system development and improvement.

An environmental impact review is currently underway. Preliminary results indicate that Innovation Park will not adversely impact any habitats for plant or animal life. A public notice of the environmental assessment was issued in January and not a single complaint has been registered.

My bill also transfers the Natural Bridge Juvenile Correction Center from the Forest Service to the Commonwealth of Virginia along with nearly twenty other administrative land tracts or land tracts that lost their natural forest character because of proximity to U.S. Interstate 64.

The Forest Service is fully supportive of the land transfers and have been cooperative in this attempt to gain transfer authority. They believe that the property included in my bill is more conductive to economic development than forest management and therefore are anxious to remove it from their need-to-manage inventory.

I would like to offer special recognition to Glynn Lopp, the Executive Director of the Allegheny Highlands Economic Development Authority. The Innovation Park project would not have made it as far as it has without his perseverance and enthusiasm.

This is just the first step in a long journey to bring major economic and high-tech development to the Allegheny Highlands as well as the greater area of Rockbridge, Bath, Botetourt and Craig counties. I am proud to introduce this bill, I am confident of its success and look forward to being of continued assistance in the Innovation Park project.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

SPEECH OF

HON. PAUL McHALE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. McHALE. Mr. Speaker, twenty-five years ago, when I was a student participating in the American University Washington Semester program, I would sit in the gallery and watch with wonder the speeches of Congressmen like Pete McCloskey, Andy Jacobs and Morris Udall. I remember distinctly watching a young, idealistic, compassionate, hard driving, newly elected member of Congress fighting for the causes in which he so deeply believed. We honor him today.

A quarter of a century later, RON DELLUMS retains all of the wonderful qualities of leadership and decency he brought to the House in 1971. To my great benefit, during the intervening years, he has also become my friend.

Speaking out against apartheid in 1966, Senator Robert Kennedy said, ''Each time a man stands up for an ideal or strikes out against injustice, he sends forth a tiny ripple of hope * * *.''

RON DELLUMS' message of hope and peace has guided this chamber and inspired his colleagues for nearly three decades. No man could leave a finer legislative legacy.

RON, you retire with the respect and great admiration of your fellow legislators, and of this friend. Our nation is and ought to be very grateful for your service. Semper Fi.

BIRTHDAY TRIBUTE TO AL ZAMPA, BUILDER OF BRIDGES—OVER WATER AND THROUGHOUT THE COMMUNITY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in wishing a very happy birthday to Mr. Al Zampa of Crockett, California, who will be 93 years old on March 12.

Al Zampa is a truly remarkable man who has left his mark on his community in more ways than one. As an ironworker from 1927 through 1970, Al personally contributed to one of the San Francisco Bay Area's most distinctive characteristics, its bridges. Starting with construction of the Carquinez Bridge in Crockett, Al's career included work on the Oakland-San Francisco Bay Bridge, the San Mateo Bridge, the Richmond-San Rafael Bridge, the Benicia Bridge and, of course, the Golden Gate. In the autumn of 1936, Al became a member of the ''Half-Way-to Hell Club'' when he fell from the Golden Gate Bridge and lived to tell about it. Many of his friends and colleagues believed that that fall would end his career as an ironworker and a builder of bridges, but the day he was released from the hospital he returned to the Gate to climb the bridge that had nearly killed him.

But Al Zampa contributed to more than just our community's infrastructure, he also helped to shape a generation of its residents. Al was a major force in the creation of the Tri-City Baseball League, making positive recreational opportunities available to hundreds of youth. As the League's Vice President and a team coach for six years, Al helped shape the lives of many of our young people, and this is perhaps his most lasting tribute.

Again, I invite my colleagues to join me in recognizing the life of an incredible citizen, and wishing Al Zampa a happy and healthy 93rd birthday.

DAYCARE FAIRNESS FOR STAY-AT-HOME PARENTS

SPEECH OF

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. LEVIN. Mr. Speaker, during the debate on H. Con. Res. 202, my colleague Mr. GOODLING said that he wanted ''just again to remind everyone'' that the Republicans had ''provided $4 billion more than the President asked for'' to fund child care. This was part of the effort to demonstrate a Republican commitment to child care.

I feel compelled to correct the record. The additional $4 billion being spent on child care is not more than the President asked for. Rather, it is more than was provided under previous law.

Indeed, the main reason for the additional money for child care beyond previous law is that the President insisted upon it, and when the Republicans resisted providing adequate funding for child care as part of the program to move people from welfare to work, the President was forced to veto that version. After the veto, the Republicans agreed to join with Democrats to increase the funds provided for child care, and the President signed the improved legislation into law.

NATIONAL RETAIL SALES TAX ACT OF 1997

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to speak on one effort

Congress should fully consider which promises to bring true tax relief for all Americans.

There is no such things as a good tax.

Will Rogers once said, ''The income tax has made liars out of more Americans than even golf.'' Those who are most familiar with the Internal Revenue Service, the agency charged with enforcing the income tax code, agree.

Former IRS Commissioner Fred Goldberg said, ''The IRS has become a symbol of the most intrusive, oppressive and non-democratic institution in our democratic society.'' Former Commissioner Shirley Peterson concurred, ''we should repeal the Internal Revenue Code and start over.''

Indeed, this is the principle objective of the National Retail Sales Tax Act of 1997 (H.R. 2001), which has been introduced in Congress by my Colorado colleague and good friend U.S. Representative DAN SCHAEFER. The plan is predicated upon the repeal of the Constitution's Sixteenth Amendment, which was ratified in 1913 and gave Congress, for the first time, power to impose an income tax.

Income taxes and the IRS would be replaced with a 15 percent federal sales tax on the final purchase of goods and services at the retail level. The rate would decline in future years to 10 to 12 percent as economic growth allows more revenue to be raised at a lower rate and downsizing continues.

According to Mr. SCHAEFER's plan, no income would be taxed until it is consumed. Capital gains and interest income would not be taxed as long as that income is reinvested. Deductions would no longer be a relevant concept under a sales tax. Taxpayers, not the government, would get first crack at their paychecks.

Any business required to collect and remit the sales tax would keep 0.5 percent of tax receipts to offset federal compliance costs, and nothing used to directly or indirectly produce a good for retail consumption would be taxed. The burden of proof would lie with the government in any dispute with a taxpayer.

Mr. SCHAEFER's plan also includes a personal consumption refund to ensure that the basic necessities of life remain tax free. Every wage earner would receive a refund equal to the sales tax rate multiplied by the poverty level (adjusted for the number of dependents claimed) in every paycheck. As a result, every wage earner will earn up to the poverty level tax free.

Though there are several other relevant provisions of the plan, perhaps its biggest appeal is the elimination of the IRS and the need to file tax returns. This year, taxpayers will spend well over $600 billion in accounting, legal, and processing costs, and 5.4 billion hours just to complete their tax forms.

These costs, along with the cost of income taxation itself, are currently passed along to consumers concealed in the purchase price of all goods and services, including food, medical supplies and housing. Moreover, the graduated income tax punishes economic success, and discourages investment.

No one should be led to believe that the National Retail Sales Tax Act will ever make taxpaying a pleasant experience. After all, no one is proposing to abolish taxation.

Mr. SCHAEFER is, however, the first to acknowledge that his proposal requires much more discussion and he anticipates many more revisions. He points out though that just about any criticism that applies to his plan doubly applies to the current income tax structure. But as to the sales tax, there are just far fewer of them.

LYNELLE ECHEVERRIA KERN COUNTY CATTLEWOMAN OF THE YEAR

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. THOMAS. Mr. Speaker, it gives me great pleasure to congratulate a truly exemplary individual, Lynelle Echeverria, upon being named the 1998 Kern County Cattlewoman of the Year. The Kern County cattle industry has bestowed this award upon Lynelle because of her superb achievements in the beef industry as well as her contributions to the community.

Lynelle has devoted many years supporting the beef industry at both local and state levels. She chairs the highly successful fund-raiser titled ''The Celebration of Western Culture'', which is held every year in Kern County. She also has led the Kern County Cattlewomen's Association and is a member of the scholarship committee for the California Cattlewomen. Her long-time involvement and dedication to the industry deserves recognition.

It did not take long for Lynelle to know that she was born to be a cattlewoman. She joined the renowned girls riding group, ''the Wranglerettes'' at age 11 and performed with them until she was 21. She went on to Cal Poly, majoring in biological sciences with an emphasis on Botany.

In addition to her untiring commitment to the industry, Lynelle also contributes to her community. She is a notable Western artist who has painted, taught and participated in art shows across the country. She has been an active member of the Women Artists of the West for the past 10 years. Somewhere in between she found time to raise a family along with her husband Matt, who is Senior Vice-President of the Tejon Ranch Company and President of the California Cattlemen's Association. They have two children, Debbie and Michael.

Lynelle Echeverria is a remarkable woman who aptly fits the role of Cattlewoman of the Year. She embodies the spirit and dedication of family in one of the West's most historic industries. She has dedicated her life to the cattle industry but also to her family and community. I am proud to congratulate her on being named the Kern County Cattlewoman of the Year.

COPYRIGHT COMPULSORY LICENSE IMPROVEMENT ACT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. COBLE. Mr. Speaker, I am pleased to introduce the ''Copyright Compulsory License Improvement Act.'' This bill will improve the copyright compulsory license for satellite carriers of copyrighted programming contained on television broadcast signals by applying to such carriers the same opportunities and rules as their cable competitors. This competitive parity will lead to increased exposure of copyrighted programming to consumers who will pay lower prices for cable and satellite services which deliver programming to their homes. These lower prices will result from the choices consumers will have in choosing how they want their television programming delivered. Mr. Speaker, I know I speak for many of the Members in this House when I assert that creating competition in the video delivery market is the key to more choice and lower prices for our constituents.

The Copyright Act of 1976 bestowed on cable television a permanent compulsory license enables that industry to rebroadcast network and superstation signals to cable television viewers without requiring cable operators to receive the authorization of thousands of copyright owners who have an exclusive right to authorize the exploitation of their programs. The cable operators pay a set fee for the right to retransmit and the monies collected are paid to the copyright owners through a distribution proceeding conducted under the auspices of the United States Copyright Office.

In 1988, Congress granted a compulsory license to the satellite industry. Although the cable and satellite compulsory licenses have similarities, there are important differences which I believe prevent satellite becoming a true competitor to cable. Technology has changed significantly since the cable and satellite compulsory licenses were created. In a very short time, satellite carriers will be able to bring local programming through their services to viewers of that local market. The time has come to take a comprehensive look at the satellite compulsory license as it relates to the long-term viability and competitiveness of the satellite television industry. The satellite compulsory license is set to sunset in December of next year, and the Federal Communications Commission has reported that in areas where there is no competition to cable, consumers are paying higher cable rates. We must act for our constituents to level the playing field in a manner that will allow both industries to flourish to the benefit of consumers.

To that end, the ''Copyright Compulsory License Improvement Act'' makes the following changes to the Satellite Home Viewer Act:

It makes the satellite compulsory license permanent, just like the cable compulsory license.

It allows new satellite customers who have received a network signal from a cable system within the past three months to sign up for satellite service for those signals. This is not allowed today.

It allows satellite carriers to retransmit a local television station to households within that station's local market, just like cable does.

It reforms the current structure of the administrative body which determines rates and distributions applicable to all copyright compulsory licenses to make it cheaper and more efficient for the parties.

In order to create parity for the above new opportunities for satellite carriers by reforming the license, the bill must also create corresponding regulatory parity between the satellite and cable industries, including must-carry rules, retransmission consent requirements, network non-duplication protection, syndicated

exclusivity protection, and sports blackout protection. These regulations will apply after a period of time in which the Federal Communications Commission can carefully consider and tailor their implementation. Until that time, the portions of the satellite compulsory license which determine who is eligible to receive network and superstation signals from satellite carriers will continue to apply just as they do now.

I note that under the provisions of this bill the current state of the law (and as expressly stated in section 12(b), the unserved household provisions of current law) shall remain in effect until such time as the Commission makes determinations pursuant to section 12 of the bill regarding implementation of network nonduplication protection and other protections. I am troubled by the suggestion of some that the introduction of this legislation may form the basis of an attempt to postpone or alter the outcome of pending court proceedings regarding enforcement of the current unserved household provisions. This legislation is not intended to diminish the effect of existing law. Parties subject to the unserved household provisions of the current Section 119 license are expected to comply fully with those provisions as they currently exist, and, of course, I reject any suggestion that courts should decline to enforce or postpone enforcing existing law because Congress is debating whether to change it. The notion that parties need not comply with laws that may be changed in the future is an invitation to lawlessness which I firmly reject.

This is a forward-looking bill which will create an incentive for companies to develop the means by which to provide local programming to local markets over satellite systems. I am committed to working with Representative BILLY TAUZIN, Chairman of the Commerce Subcommittee on Telecommunications, Trade and Consumer Protection, and with Representative TOM BLILEY, Chairman of the full Commerce Committee, on the regulatory provisions in this bill. Their leadership and partnership has been and will continue to be invaluable and necessary in guaranteeing true competition between the satellite and cable industries.

I also want to recognize the leadership and care that Senator ORRIN HATCH, Chairman of the Senate Committee on the Judiciary, has paid to the development of this important bill. We have worked together closely on its provisions and I know he is committed, as I am, to assuring fair competition through this legislation. I look forward to continuing our work together as our bills move through both bodies of the Congress.

Let me make clear that this bill is a compromise, carefully balanced to ensure competition. I believe it contains the balance necessary to allow this bill to become law this session and I urge all interested parties to join us in a constructive discussion of this very important legislation.

Following is a brief section-by-section which explains the bill in more detail:

SECTION 1

The title of the bill is the ''Copyright Compulsory License Improvement Act.''

SECTION 2

Section 2 of the bill amends the section 119 satellite carrier compulsory license of the Copyright Act to create a statutory licensing scheme that permits satellite carriers to provide their subscribers with local and distant television broadcast signals, as well as the national satellite feed of the Public Broadcasting Service. Satellite carriers may retransmit any television broadcast signals to subscribers for private home viewing, provided that such retransmissions are in compliance with the rules and regulations of the Federal Communications Commission. Such compliance would include syndicated exclusivity, sports blackout and network nonduplication protection for broadcasters, as required by section 12 of the bill.

Section 2 requires satellite carriers to provide initial and updated lists to local television stations identifying subscribers in the local television station's area who receive satellite service and the names of the network stations provided to those subscribers. This will allow television stations to preserve their network nonduplication rights provided in section 12 of the bill.

Section 2 prohibits satellite carriers from willfully altering the programming contained on television broadcast signals and the PBS national satellite feed that carriers retransmit. In addition, satellite carriers are prohibited from unlawfully discriminating against a distributor of satellite retransmitted broadcast programming, and any such unlawful discrimination constitutes an act of copyright infringement subject to the penalties of chapter 5 of the Copyright Act. It is also copyright infringement for a satellite carrier to fail to submit a statement of account and royalty fee necessary to obtain the satellite compulsory license.

SECTION 3

Section 3 of the bill creates the terms and conditions of the satellite compulsory license. Carriers must submit a statement of account and royalty fee to the Copyright Office on a semiannual basis for subsequent distribution to copyright owners. The royalty fee for retransmission of distant television broadcast stations, and the PBS national feed, is the royalty fee in effect on date of enactment of the bill for retransmission of distant broadcast signals. There is no royalty fee for television broadcast signals that are retransmitted to subscribers who reside within the local markets of such signals.

The remainder of section 3 continues the provisions of the existing law by prescribing how the royalty fees are collected and maintained for distribution, and how copyright owners of works contained on retransmitted television broadcast signals and the PBS national feed may claim royalties.

SECTION 4

Section 4 of the bill contains definitions of terms used in section 119 compulsory license. Most of the definitions in the existing law are carried forward. New provisions include a definition of ''designated market area'' and ''local market'' for determining royalty-free local retransmissions of broadcast signals, and a definition of new PBS national feed.

SECTION 5

Section 5 of the bill carries forward the provision of existing law maintaining exclusivity of the satellite license with the cable compulsory license of the Copyright Act, found at 17 U.S.C. 111. That is, a satellite carrier making secondary transmissions of television broadcast signals, and the PBS national feed, for private home viewing may only do so under the terms of section 119 license, and may not invoke the terms of the section 111 cable license.

SECTION 6

Section 6 of the bill contains a conforming amendment amending the table of contents of chapter 1 of the Copyright Act.

SECTION 7

Section 7 of the bill completely revises chapter 8 of the Copyright Act, replacing the current Copyright Arbitration Royalty Panels with a Copyright Royalty Adjudication Board.

New section 801 of the Copyright Act establishes the Copyright Royalty Adjudication Board within the U.S. Copyright Office.

New section 802 of the Copyright Act establishes the membership and qualifications of the Board. New section 802(a) establishes that the Board should be comprised of one full-time Chief Administrative Copyright Judge and at least two part-time Administrative Copyright Judges. It is left up to the discretion of the Librarian of Congress, upon the recommendation of the Register of Copyrights, to determine how many other part-time Administrative Copyright Judges the Board shall have. The determination should be based on how many judges the Board will need to conduct its business in a timely manner.

New section 802(b) requires that the Chief Administrative Copyright Judge be an attorney with ten or more years of legal practice and have experience either in administrative hearings or court trials, and a demonstrated knowledge of copyright law. Other Administrative Copyright Judges must possess expertise in the business and economics of industries affected by the actions the Board takes.

New section 802(c) provides that the term of all Administrative Copyright Judges shall be five years on a staggered basis so that no more than one term is due to expire in any one year. To achieve this, the Librarian of Congress, upon the recommendation of the Register of Copyrights, shall appoint some of the initial Administrative Copyright Judges to shorter than five year terms.

New section 802(d) provides compensation for the Administrative Copyright Judges at the Senior Level in accordance with the provisions of 5 U.S.C. 5376.

New section 803 of the Copyright Act provides for selection of the Administrative Copyright Judges. New section 803(a) provides that the Librarian of Congress, upon the recommendation of the Register of Copyrights, selects the Administrative Copyright Judges. The Librarian may only select those persons found qualified under section 802(b) and found to meet the financial conflict of interest standards adopted under section 805(a). The Librarian may re-select, without limit, Administrative Copyright Judges to additional terms. Section 803(b) provides that actions taken by the Board during those times will be valid, notwithstanding any temporary vacancy.

New section 804 of the Copyright Act provides for the independence of the Board. New section 804(a) provides that the Board shall have decisional independence on the substantive matters before it. Administrative Copyright Judges are neither to receive performance appraisals nor are they to be assigned duties inconsistent with their duties and responsibilities as Administrative Copyright Judges.

New section 805 of the Copyright Act provides for removal and sanction of the Administrative Copyright Judges. New section 804(a) provides that the Register of Copyrights shall adopt regulations regarding the standards of conduct that Administrative Copyright Judges are expected to maintain.

New section 804(b) provides that the Librarian, upon the recommendation of the Register of Copyrights, may remove or sanction a Administrative Copyright Judge of the Board, upon notice and opportunity for hearing, for violation of any of the standards of conduct adopted under section 804(a).

New section 806 of the Copyright Act provides for the functions of the Board. New section 806 enumerates the rate setting, royalty

distribution, and rulemaking functions that are delegated to the Board. The Board determines the rates for: cable retransmission of broadcast signals, the making and distributing of phonorecords by means other than digital phonorecord delivery, satellite carrier retransmission of broadcast signals, and the importing and distributing or manufacturing and distributing of digital audio recording devices.

The Board determines the rates and terms for: public performance of a sound recording by means of a digital audio transmission; the making and distributing of phonorecords by means of a digital phonorecord delivery; the public performance of music on jukeboxes; the use of music and visual works by public broadcasting entities; and the transmission to the public by a satellite carrier of a primary transmission of a public telecommunications signal.

The Board accepts or rejects claims filed by copyright owners to royalties deposited with the Copyright Office in the cable fund, the satellite carrier fund, and the digital audio recording fund. Then, for those claims that the Board accepts, the Board determines how much each claimant should receive from those funds

The Board has jurisdiction to decide, when petitioned, if a particular digital audio recording device or digital audio recording interface device is subject to the provisions of chapter 10 for paying a royalty on the distribution of such devices.

The Board also has certain rulemaking authority concerning the filing of claims, the notice and record keeping requirements pertaining to some of the compulsory licenses, and the Board's own procedures.

New section 807 of the Copyright Act sets out the actors for determining the royalty fees for the section 114, 115, 116, 118 and 119 compulsory licenses of the Copyright Act. The section also lists the factors that the Board shall take into account when determining or adjusting royalty rates.

New section 808 of the Copyright Act provides for the institution of royalty distribution and rate adjustment proceedings under the compulsory licenses. New section 808 instructs the Board when proceedings shall occur, and whether the proceedings require a petition to initiate them or whether they commence automatically.

New section 809 of the Copyright Act describes the conduct of royalty distribution and rate adjustment proceedings. New section 809(a) provides that the Board shall conduct its proceedings in accordance with the Administrative Procedure Act. New section 809(b) provides that the Board shall adopt its own rules of procedures upon the approval of the Register of Copyrights. New section 809(c) authorizes the Copyright Office, in its discretion, to file formal pleadings with the Board on any matter pending before the Board. All Copyright Office pleadings shall be formally filed and served on all the parties to the proceeding. The Board may accept or reject the advice of the Copyright Office.

New section 809(d) provides that all actions of the Board are by majority rule. New section 809(e) allows the Board the discretion to determine whether, in a particular proceeding, one or three Administrative Copyright Judges should preside. New section 809(f) permits all parties whose claims are accepted or who have an interest in the royalty rate to be set to participate in the proceeding and submit relevant proposals and evidence.

New section 809(g) provides that, except as provided in sections 118 and 119(c), the time limit for the issuance of initial decisions in proceedings with one presiding Administrative Copyright Judge shall be six months from the declaration of the controversy, and the time limit for initial decisions in proceedings with three presiding Administrative Copyright Judges shall be one year from the declaration on the controversy.

New section 809(h) provides that the initial decision shall contain the same level of reasoned decision-making that is required under the Administrative Procedure Act, and take into account precedent of the decisions of the Copyright Royalty Tribunal, the copyright arbitration royalty panels and the decisions of the Librarian of Congress made in respect to the copyright arbitration royalty panels.

New section 809(i) provides the parties to the proceeding and the Register of Copyrights an opportunity to petition the entire Board to reconsider any initial decision issued by its presiding Administrative Copyright Judge or Administrative Copyright Judges. If there are no petitions for reconsideration, the initial decision becomes the final decision automatically. If there are petitions for reconsideration, the entire Board considers the petition, and issues a final decision. The final decision of the entire Board constitutes a final agency action. Section 809(i) provides that the time limits for filing petitions for reconsideration, and for the entire Board to issue the final decision shall be determined by regulation.

New section 809 of the Copyright Act provides for judicial review of Board determinations. New section 810(a) provides that when the initial decision becomes the final decision, the Board shall have one week to publish the final decision in the Federal Register. Parties aggrieved by the decision of the Board shall have 30 days from the appearance of the final decision in the Federal Register to appeal the decision to the United States Circuit Court of Appeals for the Federal Circuit. In that case, the Board shall be the defending party, and the Chief Administrative Copyright Judge shall refer the conduct of the Board's defense to the Department of Justice. Notwithstanding the pendency of any appeal, persons who would pay the royalty rates adjusted by the Board's decision are still obligated to pay the adjusted rate and, if applicable, to file a statement of account with the Copyright Office.

New section 810(b) provides that judicial review of the Board's final decision is in accordance with the Administrative Procedure Act.

New section 811 delineates various administrative matters related to administration of the compulsory licenses. New section 811(a) instructs the Librarian of Congress, upon the recommendation of the Register of Congress, to provide the Board with the necessary administrative services and personnel support it needs.

New section 811(b) delegates to the Board the authority to publish in the Federal Register notices of the Board's actions in its proceedings, and such regulations as the Board has been delegated the exclusive right to adopt. New section 811(c) authorizes the Register of Copyrights to deduct from the royalty fees deposited with the Copyright Office the reasonable costs incurred by the Copyright Office and the Board. In ratemaking proceedings, the reasonable costs of the Copyright Office and the Board shall be borne by the parties to the proceeding in such manner and proportion as the Board directs.

New section 811(d) provides that notwithstanding any ceiling imposed on the full-time equivalent positions in the Library of Congress, the Administrative Copyright Judges or employees in support of the Board do not count in the calculation of that ceiling.

New section 811(e) provides that when the Register of Copyright submits to Congress the budget of the Copyright Office, the Register shall identify the portion intended for the Board with a statement assessing the Board's budgetary needs.

Section 811(f) provides that the Board shall prepare its own annual report and it shall be included in the Copyright Office's annual report.

SECTION 8

Section 8 of the bill provides that, prior to the constituting of the Board, the Register of Copyrights shall adopt the Board's rules of procedure, but that when the Board is constituted, it may adopt supplemental or superseding regulations, upon the approval of the Register of Copyrights.

The section also provides that copyright arbitration royalty panels that have already been convened at the time of the passage of this act may continue and complete their proceeding, unless the Register of Copyrights, finds for good cause, that the proceeding should be discontinued. For those proceedings that continue, the report of the copyright arbitration royalty panels shall be submitted to the Librarian of Congress, or the Librarian may, in his discretion, direct the panel to submit the report to the Board. If there are any appeals pending of a decision of a copyright arbitration royalty panel that are eventually remanded by the Court, the remanded case shall go to the Board, not to a reconvened copyright arbitration royalty panel.

SECTION 9

Section 9 of the bill contains conforming amendments to substitute the Copyright Royalty Adjudication Board for the copyright arbitration royalty panels and the Librarian of Congress wherever appropriate.

SECTION 10

Section 10 amends the section 325 of the Communications Act to provide that satellite carries must in certain circumstances obtain retransmission permission from a broadcaster before they can retransmit the signal of a network broadcast station. Like the regime applicable to the cable industry, network broadcasters are afforded the option of either granting retransmission consent, or they may elect must-carry status as provided in section 11 of the bill. All satellite carriers that provide local service of television network stations must obtain either retransmission consent of the local broadcasters, or carry their signals subject to the must-carry provisions.

Section 10 does exempt carriage of certain broadcast stations from the retransmission consent requirement. Retransmission consent does not apply to noncommercial broadcasting stations, and superstations that existed as superstations on January 1, 1998. Also exempt from the retransmission consent requirement is retransmission of a network station to a household that is not subject to the network nonduplication protection provided in section 12 of the bill. The purpose of this provision is to allow subscribers who reside in the designated market area of a network affiliate, but do not live in an area where the relevant local stations can request network nonduplication (assuring that a subscriber does not or cannot otherwise receive the signal of the local affiliate) to obtain a distant signal of the same network from their satellite carrier.

Section 10 also directs the Federal Communications Commission, within 45 days of enactment of the bill, to commerce a rulemaking proceeding to adopt regulations governing the exercise of retransmission rights for satellite retransmissions for private home-viewing.

SECTION 11

Section 11 of the bill creates must-carry obligations for satellite carriers retransmitting television broadcast signals. The provisions are similar to those applicable to the

cable industry. Any satellite carrier that retransmits a television broadcast signal to subscribers residing within the local market of that signal must carry all the television stations in the local market to subscribers residing in the local market. This approach of ''carry one, then carry all'' is subject to the retransmission consent election of section 10 of the bill. Thus, a satellite carrier does not have to carry a local television broadcast station if the station elects retransmission consent rather than must-carry. The ''local market'' of a broadcast station is defined as the station's Designated Market Area, as determined by Nielsen Media Research.

Section 11 tracks the cable must-carry provisions of the 1992 Cable Act by relieving satellite carriers from the burden of having to carry more than one affiliate of the same network if both of the affiliates are located in the same local market. Local broadcasters are also afforded channel positioning rights, and are required to provide a good quality signal to the satellite carrier's principal headend in order to assert must-carry rights. Satellite carriers are forbidden from obtaining compensation from local broadcasters in exchange for carriage. Section 11 also provides a means for broadcasters to seek redress from the Federal Communications Commission for violations of the must-carry obligations.

SECTION 12

Section 12 of the bill directs the Federal Communications Commission, within 45 days of enactment of the bill, to commence rulemaking proceedings to impose network nonduplication protection, syndicated exclusivity and sports blackout protection on satellite retransmissions of television broadcast signals for private home-viewing. The regulations adopted are to be similar to those currently in force for retransmissions of television broadcast signals by cable systems. In adopting network nonduplication protection rules, the Commission is directed to adopt rules that permit satellite carriers to provide distant network signals to subscribers who reside within the designated market area of a network station affiliated with the same network but who cannot receive an over-the-air signal of the local affiliate, and further do not receive the local signal from a cable or satellite service The purpose of this provision is to prevent local affiliates from asserting network nonduplication protection against subscribers who legitimately cannot or otherwise do not receive the local network affiliate signal. Thus, if the satellite carrier serving a subscriber provides him/her with the local affiliate for that designated market area, the satellite carrier may not also provide such subscriber with distant network signals affiliated with the same network.

ON-LINE COPYRIGHT INFRINGEMENT LIABILITY LIMITATION ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce, along with Representative HOWARD COBLE (R–NC)—my good friend from North Carolina and Chairman of the Judiciary Subcommittee on Courts and Intellectual Property—the ''On–Line Copyright Infringement Liability Limitation Act.'' I would like to thank Chairman COBLE for asking me to lead the negotiations between the various parties on this issue, and also for his support through this process.

The issue of liability for on-line copyright infringement, especially where it involves third parties, is difficult and complex. For me personally, this issue is not a new one: during the 104th Congress, then-Chairman Carlos Moorhead asked me to lead negotiations between the parties. Although I held numerous meetings involving members of the content community and members of the service provider community, unfortunately we were not able to resolve this issue.

At the beginning of the 105th Congress, Chairman COBLE asked me to again lead the negotiations between the parties on this issue. As a starting point, we asked the parties involved to submit written comments on H.R. 2180, the ''On-Line Copyright Liability Limitation Act,'' introduced by Chairman COBLE and Chairman HENRY HYDE. We then used those comments as a basis for a discussion draft, which I had hoped to offer as a substitute to H.R. 2180 during Subcommittee consideration of the legislation.

Comments on the first discussion draft led to a second discussion draft, in which I, along with my staff, Chairman COBLE's staff, and Ranking Member BARNEY FRANK's staff, attempted to combine suggestions from both sides into a bill that the parties could support. While both sides attempted to work within the structure of H.R. 2180, it became clear to us that the path we were on would not result in a resolution of this issue.

The bill introduced today marks a new beginning of this process. The ''On-Line Copyright Infringement Liability Limitation Act'' is intended as a codification of the decision in *Religious Technology Center* v. *Netcom,* 907 F. Supp. 1361 (N.D. Cal. 1995), in which the Court held that an Internet access provider was not directly liable for copyright infringement committed by a bulletin board subscriber. While I do not yet have a proposal that I can say is supported by both sides of this debate, I am not currently aware of any opposition to the principles adopted by the Court in *Netcom.*

It is my hope that this new bill will encourage the parties involved in this issue to come together and agree on a solution. I do not see the introduction of this bill as the end of negotiations on the issue of liability for on-lone copyright infringement; to the contrary, I believe that it will further the negotiations by beginning with basic principles on which the parties can agree. Undoubtedly both sides will want to see changes made to this legislation, and I am committed to continuing to work with the parties in the hope of reaching a successful resolution to this issue.

I would additionally like to discuss the importance of the World Intellectual Property Organization treaties, and the accompanying implementing legislation, which are critical to protecting U.S. copyrights overseas. The United States is the world leader in intellectual property. We export billions of dollars worth of creative works every year in the form of software, books, videotapes, and records. Our ability to create so many quality products has become a bulwark of our national economy, and it is vital that copyright protection for these products not stop at our borders. International protection of U.S. copyrights will be of tremendous benefit to our economy—but we need to ratify the WIPO treaties for this to happen.

Mr. Speaker, this is a critical issue to the development of the Internet, and I believe that both sides in this debate need each other. If America's creators do not believe that their works will be protected when they put them on-line, then the Internet will lack the creative content it needs to reach its true potential. And if America's service providers are subject to litigation for the acts of third parties at the drop of a hat, they will lack the incentive to provide quick and efficient access to the Internet.

The ''On-Line Copyright Infringement Liability Limitation Act'' will not solve every problem posed by the content and service provider communities. I do believe, however, that this bill is a good first step towards reaching consensus on this issue, and I encourage the parties involved to work together to create a mutually beneficial solution.

TRIBUTE TO MARY ZANDER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. LEVIN. Mr. Speaker, I rise today to recognize Mary Zander, Sterling Heights City Clerk, on the occasion of her retirement from the City of Sterling Heights, Michigan.

Ms. Zander served her City for twenty years as the City Clerk. During her two decades of dedicated service, the City of Sterling Heights has grown from a population of 61,000 in 1967 to 123,000 in 1997, now the sixth largest city in the state. Ms. Zander's leadership was critical during this period of both incredible population growth and technological advancements which have revolutionized the local clerk's office.

Ms. Zander was the Director for the International Institute of Municipal Clerks, a distinguished position that only one other clerk in the world has served in for two terms. She also received special recognition as ''Clerk of the Year'' from the Michigan Municipal League. As President of the Michigan Municipal League's Clerks Association, First Vice-President of the Michigan Association of Clerks and a lifetime member of the Academy of Advanced Education, Ms. Zander was a leader in her field.

Mr. Speaker, in an era of valuing efficient, customer-oriented government, Mary Zander's work for the City of Sterling Heights deserves our recognition. I am pleased to join with the residents of Sterling Heights, as well as local government officials, in thanking Mary Zander, my friend and the friend of so many others, for her years of dedicated and personal service and in extending best wishes for a healthy and happy retirement.

PUBLIC SCHOOL EDUCATION

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today in recognition of the

greatest gift we can give to our children—the gift of a strong and viable education.

Both my parents being educators, I grew up surrounded by reminders of how important public education is in America. As a parent myself of three school-aged children attending public schools in Fort Collins, I understand the value of liberal access to community schools and academic professionals.

Indeed, the reason I have devoted nine years in the Colorado State Senate and my first year in the United States Congress to improving the quality of local public schools is because I am convinced my parents were right. The future strength of the Republic lies in the hands of a well-educated citizenry.

Clearly, parents bear the primary responsibility for educating their children. Public school districts were established by states to assist, and it is at the state level, and under state constitutions that public school systems are properly organized. In Colorado, the management of public schools is entrusted to 176 locally-elected boards.

As a member of the House Committee on Education and the Workplace, I face routinely those who would dismantle America's traditions of local control and parental authority with respect to educating kids. Their preference always seems to entail centralizing education authority in Washington, D.C. as a way to address any shortcomings of America's schools.

The White House, for example, is working to abandon independent standardized testing in favor of a government-owned national test. The administration has already engaged the early stages of developing a national curriculum.

The Federal government actually has no Constitutional authority to manage public schools, but it gets around that barrier by handing out lots of cash. With every federal dollar comes strings. Of course, no school is forced to take the money, but few can resist.

Deploying such strategies, the federal government has found ways to influence almost every aspect of public schooling from the design of new school buildings, to the qualifications of teachers, to students' diets. Rarely do these tactics improve the quality of education, but more often only suppress the ability of local schools and teachers to do the jobs for which they are best trained.

My strenuous objections to various schemes to centralize education authority in Washington have at times been misinterpreted by my political foes to suggest I am somehow ''anti-education.'' Quite the opposite is true.

My firm resistance to federalizing public schools is based entirely on my belief that public schools should be decentralized, local, parent-drive, student-centered, efficient institutions which offer competitive services enabling students to be the world's best.

We would all do well to remember that the most valuable gift we can give to any child is a quality education. As both a father, and a member of Congress, ensuring an effective public school system will continue to be among my chief objectives.

IN COMMEMORATION OF SAINT DAVID'S DAY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. LEWIS of California. Mr. Speaker, I rise today to honor Saint David, the Welsh Patron Saint. Many of my friends and colleagues may not know that I am of Welsh descent—but then again maybe my name, Lewis, gives me away. I am very proud of the Welsh blood running through my veins. What American wouldn't be if he knew just how many great Americans were also Welsh! Let me take a moment to share some interesting facts with you.

Did you know that twenty percent of our Pilgrim Fathers were Welsh? Almost fifty percent of the signers of the American Declaration of Independence were also Welsh or of Welsh heritage—as were nine of the Presidents of the United States, including John Adams, Thomas Jefferson, James Madison, James Monroe, John Quincy Adams and Abraham Lincoln. There are just too many great Welsh-Americans to name!!

Another interesting fact I would like to share with you pertains to Saint Patrick, the Patron Saint of Ireland. Did you know that Saint Patrick was really a Welshman? As a boy of sixteen, Patrick was taken from the Welsh village where he was born by an Irish slave trading party. He was a slave in Ireland until the age of twenty-two, when he escaped and returned to Wales. Later, he became a priest and was sent back to Ireland where the Welshman Patrick became revered as Saint Patrick of Ireland.

When you are in Washington, D.C., the more athletically-inclined Welsh among you might like to hike half-way up the stairs in the Washington Monument to read an inscription there: ''Fy Iaith, Fy Ngwlad, Fy Nghenedl, Wales—Cymru Am Byth.'' My language, my country, my nation, Wales—Wales forever!

On March 1st, Welsh Americans across the Nation will honor the birth of Saint David, the Patron Saint of Wales. At the Welsh Presbyterian Church in Los Angeles, the Welsh Choir of Southern California will give its premiere performance, conducted by famous, Welsh-born Hollywood composer Michael Lewis! I know that this concert will be a treat for all who hear it. I only wish I could be present!

I would say to my colleagues, let us all remember that March 1st is the birthday of Saint David, the Patron Saint of Wales.

COMMENDING THE SCHOOLS OF BASEL, SWITZERLAND, ON THE HOLOCAUST EDUCATION PROGRAM IN PUBLIC SCHOOLS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. LANTOS. Mr. Speaker, I would like to ask my colleagues to join me in commending the public schools of the Canton and City of Basel, Switzerland, on the comprehensive program of Holocaust education which has been adopted for their public schools.

Much has been written and said about the outrageous behavior of some Swiss banking executives with regard to deposits of gold and other valuables by Holocaust victims during the period before and during World War II, but little attention has been focused on the outstanding degree to which the people of Basel and other Swiss cities and cantons have assumed the responsibility of teaching Swiss children about the horrors of the Holocaust. By making this a communal priority, they have determined to never let such atrocities take place again.

The schools of Basel address the subject of the Holocaust with children of all ages, at all academic levels and in a wide variety of disciplines, primarily in history and in German language and culture classes. In the Wieterbildungsschule (elementary schools), young people learn about the fate of children in the Third Reich, the resistance efforts against Nazi occupation, and other introductory topics ranging from a basic understanding of anti-Semitism to the existence of ghettos, concentration camps, and Hitler's Final Solution.

In the secondary level (Grades 5–9) adolescents encounter a wealth of documentary material dealing with anti-Semitism and the murder of the Jews, including The Diary of Anne Frank, the new reader Bilder in Kopf (Pictures in the Head), and numerous short stories which provide an assortment of different approaches to the Holocaust. In Gymnasiums (high schools), older student face an even more comprehensive and substantive treatment of the topic. They survey various theories dealing with the development and forms of anti-Semitism, as well as an analytical and unprejudiced look at their own country's position during World War II. Such syllabus topics include thoughtful subjects such as ''The Refugee Question in the Second World War and Neutrality.''

Mr. Speaker, the people of Basel have recognized the truth of the oft-quoted Santayana observation, ''Those who cannot remember the past are condemned to repeat it.'' Their schools are helping to raise a new generation of citizens unfettered by hatreds and prejudices of the past, a people that can use the painful lessons of decades ago to engender tolerance and understanding in the future. It is my pleasure to recognize and to commend the fruitful efforts the people of Basel.

TRIBUTE TO SAM JOHNSON ''OPERATION HOMECOMING'' 25TH ANNIVERSARY

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. DOOLITTLE. Mr. Speaker, today, Thursday, February 12, 1998 marks the 25th anniversary of Operation Homecoming, the day on which the first group of heroes whose experience as prisoners of war ended as they were released from captivity in North Vietnam. Our colleague, Representative SAM JOHNSON was one of those heroes.

SAM JOHNSON began his 29-year career in the United States Air Force after realizing his love for adventure and his love of flying. Although his training prepared him for the war,

his training did not prepare him for what he had to endure next. On April 16, 1966, SAM's F–4 was shot down over North Vietnam. It took only seconds for the enemy to capture SAM, but it took nearly seven years for SAM to see his wife, three children and his home again.

The enemy tried to break SAM JOHNSON on numerous occasions, but SAM was unbreakable. His faith in God and his strong will to live enabled him to survive. SAM was an officer, a leader, and a teacher. He would secretly communicate with the new prisoners that were brought into Hanoi, teaching them how to survive. These were the qualities of a true leader, risking his life to protect his fellow man.

SAM JOHNSON is a fighter. He fought for his country, his family and his faith. As a member of Congress, SAM valiantly wages this fight today—for all of us.

Today we honor the heroes who endured the horrible pain and suffering as prisoners of war. Today is a celebration of SAM JOHNSON's strength and courage. He demonstrated an unfailing devotion to duty, honor, and country. Let us commemorate SAM and all American POWs for their courage and determination in upholding the principles of freedom and democracy.

''EQUALITY FOR ISRAEL AT THE UNITED NATIONS ACT OF 1998''

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. ROTHMAN. Mr. Speaker, today I rise to introduce the ''The Equality for Israel at the United Nations Act of 1998.'' With the strong support of over 60 original co-sponsors, including both the Chairman and Ranking Member of the House International Relations Committee, this bill seeks an end to the institutional discrimination Israel has faced at the United Nations for far too long.

Specifically, this bill requires that the Secretary of State report on actions taken by our Ambassador to the United Nations to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their group.

The bill also calls on the Secretary of State to solicit and receive responses from each of the nations of WEOG on their position concerning Israel's acceptance into their organization. In this manner, Congress can know which nations are supporting Israel's admittance to WEOG and which nations are opposed.

As many of my colleagues are already aware, the State of Israel has been a member of the UN since 1949. But what my colleagues and the American public might not know is that Israel is the only long-standing member of the United Nations to be denied acceptance into any of the organization's five regional blocs.

Membership in a regional bloc is critical because it is a prerequisite for any nation to serve on the powerful Security Council or other key U.N. bodies such as the Economic and Social Council. Due to its exclusion from a regional bloc at the United Nations, the State of Israel has been precluded from fully participating in the workings of that world body.

This amounts to institutional discrimination against Israel at the United Nations.

The real story here is two-fold: On the one hand there are Arab states who have denied Israel the consensus vote it needs to join its natural, geographic, regional bloc—the Asian bloc. On the other hand, there are the member states of the Western Europe and Others Group, otherwise known as the WEOG regional bloc, who have failed to embrace Israel's request to temporarily join their grouping.

This is where the United States must step up and show true leadership. And this is why I have introduced ''The Equality for Israel at the United Nations Act of 1998.''

WEOG, to which the U.S. belongs, is one of the five regional blocs at the United Nations. Other non-European countries: Western-style democracies such as Canada and Australia already belong to the WEOG. Israel would be a perfect fit, at least temporarily.

The issue is not whether Israel deserves to be treated as an equal among nations, it surely does. The challenge is how to achieve equality at the United Nations. World-wide recognition of Israel as an equal at the United Nations would be the right message to send now to help advance the struggling Middle East peace process.

But this is not just an Israel issue, this is a United Nations issue. And clearly, Israel's acceptance into the WEOG would be a welcome sign of real reform taking place at the United Nations.

There already has been a groundswell of support in the U.S. Congress for this issue. Seventy-six Members of Congress, many of whom serve on the House International Relations Committee, joined me and Representative ILEANA ROS-LEHTINEN last year in sending letters to the member states of the WEOG, asking them to allow Israel to join the WEOG as a temporary member.

Secretary of State Madeleine Albright and our Ambassador to the United Nations, Bill Richardson, both agree that this issue needs to be pursued. In fact, Ambassador Richardson told me personally that he will work to ''rededicate U.S. efforts on this issue.''

Supporting Israel's right to be a full member of the United Nations is the right thing to do. We owe no less to Israel, a strong U.S. ally, and to the United Nations, whose credibility is threatened if all countries are not treated as equals.

For these reasons, I ask my colleagues to lend their support for ''The Equality for Israel at the United Nations Act of 1998.''

TRIBUTE TO ROBERT RAUSCHENBERG

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. LAMPSON. Mr. Speaker, it is with tremendous pride that I recognize a native of Port Arthur, Texas who has gone forth into the world and become a legend in the world of art. Robert Rauschenberg is the first American to win the prestigious Venice Biennale Grant Prize, as well as the first living American artist to have his work published on the cover of Time Magazine. In a career that has spanned the latter half of this century, Robert Rauschenberg's groundbreaking work has been included in the most prestigious collections and won awards around the world.

Robert has used his artistic voice to benefit humanitarian causes. He created the first Earth Day poster in 1970. In 1990, he established the Robert Rauschenberg Foundation to promote medical research, education, the environment, and to aid the hungry and homeless in the United States and across the globe.

This weekend, Robert Rauschenberg will be honored in Houston for the greatness of his life's work. Though Robert left Port Arthur to seek his fortune in the world, he is a symbol of the greatness that lurks within each child. A child who grows up among oil refineries became one of the most important artists of his generation. He is a native of our area and we are duly proud, but we know that Robert Rauschenberg, through his work, belongs to the world and to the ages.

TRIBUTE TO LEVI PEARSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. CLYBURN. Mr. Speaker, I rise today during Black History Month to pay tribute to a true pioneer, Levi Pearson. As today is the 89th anniversary of the founding of the National Association for the Advancement of Colored People, I should note that he was President of the Clarendon County, SC, branch of the NAACP. However, it is the work he did as an ordinary citizen from a small county in South Carolina for which he should be remembered.

Last week, I paid tribute to the 20 plaintiffs of *Briggs v. Elliott.* Those plaintiffs were the foundation on which the case of *Brown of Education of Topeka* was based that eventually won the battle of public, desegregated education in our nation. Today, I pay tribute to the man who took the first courageous step on that very long road.

In 1947, the search was on in Clarendon County for a parent who had the courage to test the legality of the discriminatory bus transportation practices that were the norm. Pearson had three children who attended Scotts Branch school nine miles from their home with no public transportation. On July 28, he signed a petition asking that ''school bus transportation be furnished, maintained and operated out of public funds in School District Number 26 of Clarendon County South Carolina for use of the said children of your Petitioner and other Negro school children similarly situated.'' The petition was submitted to the local school board chairman and the secretary of the State Board of Education by the Reverend Mr. Joseph Albert DeLaine, a prominent Clarendon County schoolteacher. No response was given.

After 8 months of silence, Pearson's attorneys filed a brief in the United States District Court. In the brief, they cited the ''irreparable damage'' Pearson's children suffered from being denied the free bus service to which white children were entitled. The case was dismissed saying Pearson has no legal standing because his farm straddled the line between the school district where he lived and where his children went to school.

Pearson's courageous stand made him a hero among his friends in the community, but a villain to his foes. Because he dared to question the status quo, the white community cut off the credit Mr. Pearson needed for farm supplies and refused to buy goods raised on his farm. Despite the severe hardships placed on Pearson and his family, he stood his ground and remained in Clarendon County with his family as many black families moved north.

Although his name is not on the list of 20 petitioners in the landmark case of *Briggs v. Elliott*, Pearson was the driving force that led to equal education for all. Mr. Speaker, I ask that you join me today in paying tribute to Levi Pearson for he is indeed a pioneer, a hero and an outstanding American.

A TRIBUTE TO THE ARROWHEAD CHRISTIAN ACADEMY EAGLES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. LEWIS of California. Mr. Speaker, I rise today to honor the accomplishments of the Arrowhead Christian Academy (ACA) 1997 varsity football team of Redlands, CA. On December 13, 1997, the ACA Eagles made history by winning the 1997 CIF-Southern Section Division XII Championship, thus becoming the first team to win back-to-back CIF championships in San Bernardino County, CA. The Eagles' remarkable season was further highlighted by being ranked fifth in the state by Cal-Hi Sports in Division V.

Despite competing against several higher division teams, the Eagles racked up a total of 567 points over the course of the season and won four shut-out games. With their renowned offense scoring an average of 40 points per game that their unmovable defense holding its opponents to an average of just 14 points per game, it is no surprise that the Eagles ended their season with a remarkable record.11–3.

Special recognition is in order for Head Coach Dan Finfrock, Assistant Coaches Drew Rickert, Dave Wiseman, Dave Marshall, Jon Burgess, Nate Finfrock, and Trainer Ben Mulder for their leadership and service. Additional congratulations go to Coach Finfrock for being named CIF Southern Section Division XII Coach of the Year for the second year in a row.

Many of the Eagles were honored with awards. CIF All-Southern Section awards included: First Team—Dan Jeffers (Defensive line), and Second Team—Steve Wharry (Linebacker). All Southern-Section CIF Division XII awards included: Offensive Player of the Year: Jonathan Reed (Fullback), and Defensive Player of the Year: Dan Jeffers (Defensive Tackle). Other All CIF selections included: Brandon Camacho (Nose Guard), Danny Schaper (Offensive Tackle), Ben Ballard (Quarterback), and Trevor Wilson (Wingback).

First Team All Christian League selections were: Trevor Wilson (MVP), Steve Wharry (Defensive MVP), Brandon Camacho (Nose Guard), Ben Ballard (Quarterback), Jonathan Reed (Fullback), Robbie Ramos (Corner Back), Dan Jeffers (Offensive Tackle), and Joe Ramos (Corner Back)

Second Team All Christian League selections were: Allan Kavalich (Center), Carl Overholt (Wing Back), Robbie Ramos (Wing Back), D.J. Gallagher (Tight End), Danny Schaper (Offensive Tackle). Honorable mention: Nick Selle (Offensive Tackle), Steve Hale (Tight End), and Ben Gradias (Tight End).

Other members of the 1997 Eagle championship team include: Robbie Whittenburg, Jeff Harry, Israel Marshall, Will Kimble, Chad Aldaco, Ben Foster, Jeremy McAllister, Joey Morrison, Paul Avila, Jacob Southworth, Noah Rivera, Nick Goldtry, Bryan Traynmham, Gavin Fort, Danny Paul, Chris Hardin, Steve Avila, Daniel Meers, Nik Kreutzer, Tim Mason, and Jared Richards.

Mr. Speaker, I ask that you join me, our colleagues, the team's families and many friends in honoring the 1997 Arrowhead Christian Academy football team. It truly has been yet another unforgettable season for the Eagles and it is only fitting that the House recognize them today.

INTRODUCTION OF THE MEDICARE MANAGED HEALTH CARE SUNSHINE ACT OF 1998

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. SHAW. Mr. Speaker, I rise today to introduce legislation that will require health maintenance organizations (HMOs) under Medicare to disclose certain information to individuals who subscribe to an HMO, or who are a prospective subscriber to an HMO.

Specially, my bill would require an HMO to provide Medicare subscribers or prospective subscribers with a description of the medical education and training received by the HMO's physicians, the physicians' history of domestic of foreign medical practice, and the position each physician currently holds in the HMO. In addition, my bill would require an HMO to disclose to subscribers upon request its audited financial statements, as well as the salaries of its five highest paid executives. Any promotional material by the HMO would state that the above information is available upon request. Overall, my bill would allow Medicare HMO subscribers to scrutinize their HMO's financial condition to ensure that quality health care delivery is being achieved.

It is time for HMOs, who receive federal dollars and ask for the trust of our nation's seniors, to be open and candid about their operations. It is time for Medicare HMO subscribers to benefit from efficient management. It is time we allowed a little sunshine into our nation's Medicare HMOs.

Mr. Speaker, my bill builds on the reforms passed last year as part of the Balanced Act of 1997 (Public Law 105–33). Those reforms gave HMO subscribers greater protection by giving them access to pertinent information about HMOs. This bill is also similar to a bill I introduced in the last Congress, H.R. 2249.

I urge my colleagues to join me in supporting this important legislation.

VICE PRESIDENT GORE EMPHASIZES BIOSCIENCE AND COMMITMENT TO RESEARCH AND EXPERIMENTATION TAX CREDIT IN VISIT TO GENENTECH, INC. OF SOUTH SAN FRANCISCO, CALIFORNIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. LANTOS. Mr. Speaker, it is my great pleasure to report to my colleagues about the visit of our Vice-President, AL GORE, who is a former colleague of many of us here in this house. I had the pleasure of joining the Vice President on Thursday, January 29, 1998, for his visit to Genentech, Inc., which is located in the city of South San Francisco in the heart of my congressional district. Genentech is an innovative pioneer in the significant and increasingly important universe of biotechnology.

Mr. Speaker, Vice-President GORE's visit serves as an exclamation point—not only to the necessity of federal investment in the exciting, path-breaking research and development that will lead us into the 21st century, but also to the humanitarian nature of biotechnology as practiced by outstanding companies such as Genentech. By supporting research and development such firms conduct, we are aggressively fighting against cancer, prevailing against both rare and common diseases, and rallying against those intrepid enemies of our times that we have come to know as heart-disease, stroke, and diabetes, among others. In short, by supporting research and development, we are improving the quality of the lives of all Americans.

I would like to take this opportunity, Mr. Speaker, to bring to the attention of my colleagues the highlights of the remarks of Vice-President GORE in relation to the specific accomplishments of Genentech, Inc., which were made during the meeting at the corporate headquarters during our visit.

Genentech serves as a unique and commendable model for the high-tech industry. As Vice-President GORE pointed out, ''Here at Genentech, you have taught us another lesson: in the 21st Century, research and experimentation—innovation and ingenuity—is about our livelihoods as well as our lives.'' In these remarks, Vice-President GORE referred to both the high-wage levels of the high-tech industry, as well as the high-tech industry's status as one of the largest employers in the United States. The fostering of the high-tech industry spurs economic growth and a healthy and vital job market that benefits whole communities.

Vice-President GORE also referred to the Administration's proposal in its annual budget to extend the $2.2 billion Research and Experimentation (R&E) Tax Credit from June 30th, 1998 to June 30th, 1999. The extension of this tax credit is especially encouraging to the growing Bay Area bioscience industry and to all of our high tech industries which depend upon the R&E Tax Credit to make their extensive and dynamic research feasible. By allowing firms such as Genentech to claim a credit against their federal taxes for a portion of their extensive research and development costs, we in the federal government are taking a critical step to ensure new, high-wage jobs in the

next century. As Vice-President GORE estimated, ''Here at Genentech alone, it will mean 150 new jobs for Californians.''

Importantly, Mr. Speaker, the R&E Tax Credit not only promotes a healthy economy, it also stimulates additional research and experimentation. The savings gained by the biotechnology companies from the R&E Tax Credit allows them to meet significant human medical needs as expediently as possible. Genentech is a leader among United States firms in its unequivocal commitment to research and development investment, spending almost 50% of its total sales revenues on continuing research and development activities. The emphasis on research has, in part, enabled Genentech to offer the world a special insight into the disease of breast cancer. Approximately 45,000 women in the United States are affected by breast cancer every year. With the help of a new Genentech product, Herceptin, which is currently in the final clinical trial phase for the Federal Drug Administration (FDA), we may soon be able to fight cancer at a molecular level—a new and very promising breakthrough.

Genentech has completed its Herceptin research and is compiling data for the new drug application for FDA approval. The company hopes that Herceptin will be as successful as their drug Retuxin, which the FDA approved in November and is currently a significant weapon to patients battling non-Hodgkins lymphoma, a type of cancer which attacks the lymph nodes. The development of drugs such as Herceptin and Retuxin, however, come with a heavy price tag, as the average research cost for any one drug can cost over $360 million.

Despite this expenditure, Genentech works hard to make its drugs available to patients, and it is my distinct pleasure to commend one of Genentech's humanitarian operations, its Uninsured Patient's Program. Through this program, Genentech is committed to make its market products available despite the limits of a patient's government or private insurance. Essentially, to the extent that a patient cannot afford a product, it is provided to them free of charge.

During his visit to Genentech, Vice-President AL GORE re-iterated the Administration's commitment to research with the 21st Century Research Fund, the ''largest investment in civilian research and development in American history.'' The scientific community works together to produce the miraculous science that gives us our current technology and medical innovations. This 21st Century Research Fund includes the highest-ever increases in the budgets of the National Institute of Health and the National Science Foundation. As Vice-President GORE proclaimed, ''Taken together, the $31 billion in the 21st Century Research Fund will help us to cure deadly diseases; to find new sources of clean energy . . . to build the next generation of the Internet, moving 1,000 times faster than the current one; and to continue to explore the heavens.''

I am extremely impressed by the efforts of Genentech and the biotechnology industry in the Bay Area. I have always believed that Genentech is a special place, a different kind of company, and I was pleased that Vice-President GORE commented upon the fact that of all the corporations he has visited, he had not seen the diversity of faces that he observed at Genentech. And, as a federal legislator, I was especially affected by Vice-President GORE's words that, ''In fact, Genentech's 3,200 jobs might not be here at all if our federal government had not invested in the research that led to the discovery of the DNA.''

It is a meaningful and significant chain that connects our country to the high-tech industry, and Vice-President GORE wisely discerned that ''More research and development means higher productivity, rising wages, and lower costs throughout our economy.'' Mr. Speaker, I thank my colleagues in this House for their efforts in support of funding research and development which has helped to move our country forward and make possible the exciting breakthroughs in science and technology which have furthered the progress of all of mankind.

It is with tremendous sense of excitement about the future and a profound hope that I urge my colleagues to join me in applauding the efforts of Genentech, Inc., and other American companies which are leaders in the scientific world through whose work we will step into the next century with strength, with courage, and with knowledge.

A HEARTFELT THANK YOU TO THE SHERMAN CONGREGATIONAL CHURCH

HON. SCOTTY BAESLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. BAESLER. Mr. Speaker, I rise today to offer my heartfelt thanks and continuing gratitude to the Sherman Congregational Church in Sherman, Connecticut, and indeed, my thanks to the entire town of Sherman, Connecticut.

Last March, Kentucky was struck by one of the worst natural disasters in recent memory. After nights of rain, streets became canals and roadways became rivers. Cars and trucks competed with boats and rafts for the right of way. Flood waters transformed neighborhood parks into tributaries as nature ran amok.

Members of the Sherman Congregational Church saw pictures of the devastation in Paris, Kentucky, and throughout Bourbon County, Kentucky. Their hearts went out to the families without homes, and the children without toys. The Church and the town of Sherman reached out to us—calling the Paris/Bourbon County Chamber of Commerce and offering their assistance. Truckloads of supplies were sent to help out the residents of Paris and Bourbon County. The response from Sherman was so great that Paris and Bourbon County were able to share those supplies with surrounding communities in need.

But the generosity did not end when the flood waters receded. In November, members of the Sherman Congregational Church called again, asking for the names, ages, and addresses for the families who were victims of the flood. More than 30 boxes arrived from Sherman containing gifts for 59 families, and the 119 children who lost so much in the flood.

Tragedies are eyeopening. They reveal a great deal about the human spirit. They teach us about the value of things we often take for granted in our fast-paced workaday world. Natural disasters have a way of changing our smug assumptions about being self-made people who can live to ourselves and by ourselves. They teach us the value of friends and neighbors.

Centuries ago, someone asked the question, ''who is my neighbor?'' Although the word comes from an old English word meaning ''near dweller,'' the proximity of people does not define neighborliness. It is the proximity of the human heart during a moment of crisis that perhaps defines it best.

I speak for thousands of Kentucky residents when I say that we are grateful that the town of Sherman reached out to us—as their neighbor. We are grateful for your friendship and for your concern, and we will never forget you.

DAYCARE FAIRNESS FOR STAY-AT-HOME PARENTS

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Ms. DEGETTE. Mr. Speaker, as one of just a handful of mothers in the 105th Congress with young children, I know how difficult it is to find quality, affordable child care. That is why this resolution is particularly important to me. We must be supportive of parents who have the ability to stay home with their children and can afford to forgo a second income. However, the majority of American families with working parents rely on child care to help them care for their children.

Quality child care is critical for many families in this country. I am concerned that this resolution (H. Con. Res. 202) misrepresents how many children of preschool age have mothers in the labor force who rely on someone else to help them care for their children. The resolution includes statements which suggests that child care is not an issue for most American families. As families struggle to make ends meet, the reality is more parents are working full time, part time or looking for work than ever before. As a result, 60% of preschool aged children have mothers in the work force. The correct statistics demonstrate that quality, safe and affordable child care is vital for most American families. Even parents who forego an extra income often rely on child care, like parents day out programs, to help them. In 1996, 78% of all four year old were in non-parental care at least some part of the week.

Congressional legislation must address the needs of both working and stay at home parents to provide them with quality, safe and affordable child care regardless of their economic situation. A family where both parents work should not have to compromise its children's well-being due to poor child care choices. The ultimate goal of this Congress should be helping families, whatever their situation, provide the best possible care for their children. We need to support ALL parents in their child care choices.

PROTECTING AMERICAN TAXPAYERS FROM IRS SEIZURES

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. McKEON. Mr. Speaker, I rise today to introduce important legislation to protect American taxpayers from wrongful and unnecessary IRS seizures.

My bill creates an independent panel of tax attorneys, certified public accountants, and enrolled agents to review all proposed IRS seizures. This panel would determine whether there are more appropriate means of collecting the unpaid taxes and will ensure that IRS agents have complied with the regulations related to seizures. Without approval of a majority of the panelists, IRS agents will not have the ability to place levies on taxpayers' homes, salaries, or assets.

In January, I held IRS forums in my district and was shocked to hear the horror stories in the testimonies of my own constituents. One after the other, stories of unwarranted pressure and direct intimidation of IRS agents were told, many of which included cases of seizures. In several situations, the agents also failed to adhere to established rules and regulations. Clearly, greater oversight of this abusive IRS practice is critical, and I have introduced this bill in response to the disturbing experiences many of my constituents have endured.

We have all witnessed the alarming stories of our fellow Americans before the Senate Finance Committee this fall. It was evident that in many cases levies and seizures have favored devices used to measure employee performance for status and promotion purposes, not for the interest of the taxpayer. More often than not, IRS agents have been pushed by their superiors to initiate more seizures to achieve promotions within the agency. As a result of new IRS procedures, the same superiors are now responsible for directly approving seizures for unpaid federal taxes.

Nearly 80% of Americans feel that the IRS has too much power. And while taxpayer rights are beneficial in many ways, they often do not go far enough. Without the means of enforcing these rights, the IRS will retain much of its power and American taxpayers will be forced to tolerate more abuses by the IRS.

Mr. Speaker, with this bill, Congress can respond to the problems the IRS has with seizures and levies that have ruined the lives of a great number of American taxpayers. The independent panel created in this bill will make the IRS accountable by stopping questionable seizures before they occur.

INTRODUCTION OF THE FARM SUSTAINABILITY AND ANIMAL FEEDLOT ENFORCEMENT ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. MILLER of California. Mr. Speaker, today I introduce legislation to address the most important source of water pollution facing our country—polluted runoff. A major component of polluted runoff in many watersheds is surface and ground water pollution from concentrated animal feeding operations (CAFOs), such as large dairies, cattle feedlots, and hog and poultry farms. Under current Clean Water Act regulations, CAFOs are supposed to have no discharge of pollutants, but as a result of regulatory loopholes and lax enforcement at the state and federal levels, CAFOs are in reality major polluters in many watersheds. My bill, the Farm Sustainability and Animal Feedlot Enforcement (Farm SAFE) Act addresses these deficiencies. I hope my colleagues will join me in trying to address this significant threat to water quality and human health.

Included for the RECORD is an article from the San Francisco Chronicle describing water quality problems caused by dairies in the San Joaquin Valley of California. Contaminants associated with animal waste have also been linked to this summer's outbreak of Pfiesteria in Maryland and the death of more than 100 people from infection by cryptosoridium in Milwaukee. Although considered point sources of pollution under the Clean Water Act, little has been done at the federal or state levels to control water pollution from CAFOs.

In recent years, many family farms have been squeezed out by large, well capitalized factory farms. Even though there are far fewer livestock and poultry farms today than there were twenty years ago, animal production and the wastes that accompany it have increased dramatically during this period. And although farm animals annually produce 130 times more waste than human beings, its disposal goes virtually unregulated.

Farm SAFE will require large livestock operations to do their part to reduce water pollution. The bill will lower the size threshold for CAFOs, substantially increasing the number of facilities that will have to contain animal wastes. It will require all CAFOs to obtain and abide by a National Pollution Discharge Elimination System (NPDES) permit. The bill improves water quality monitoring, recordkeeping and reporting so that the public knows which CAFOs are polluting. Farm SAFE addresses loopholes in the current regulatory program by requiring CAFOs to adopt procedures to eliminate both surface and ground water pollution resulting from the storage and disposal of animal waste. The bill also directs EPA, working with USDA, to develop binding limits on the amount of animal waste that can be applied to land as fertilizer based on crop nutrient requirements.

This legislation will restore confidence that we can swim and fish in our streams and rivers without getting sick. It will do much to address our number one remaining water pollution problem—polluted runoff. I hope the House will join me in the effort to clean up factory farm pollution.

[From the San Francisco Chronicle, July 7, 1997]

PAGE ONE—IN CENTRAL VALLEY, DEFIANT DAIRIES FOUL THE WATER

(By Elliot Diringer, Chronicle Staff Writer)

Central Valley dairies routinely defy pollution laws—fouling rivers and groundwater with waste from their cows—and state regulators say there is little they can do about it.

California is now the nation's leading dairy state, and most of the cows are in the Central Valley, creating as much natural waste as a city of 21 million. Yet the state agency that is supposed to make sure they don't pollute the water has just one man on the job.

There is no telling how many miles of creek are being ruined, or how much drinking water could be lost to contaminants spreading silently underground. Regulators themselves are the first to admit that the situation is going from bad to worse.

While dairy herds keep growing, officials at the Central Valley Regional Water Quality Control Board say that most of the valley's 1,600 dairies have never been inspected and that probably fewer than half follow the law.

''Individually and cumulatively, (dairies) pose a significant threat to surface and groundwater,'' concluded a 1995 report to the board urging a sixfold increase in regulatory staff.

''We were barely scratching the surface,'' said Larry Glandon, a dairy inspector who has since retired, leaving just one. ''We knew it. Everybody knew it.''

The unchecked pollution attests to the considerable muscle of California's leading agribusiness.

Statewide, a million-plus cows churn out $3 billion worth of milk and cream a year, nearly twice the earnings of the state's No. 2 crop, grapes. In the past six years, dairy groups have contributed more than $700,000 to state election campaigns, most of it to incumbents in the Legislature.

''Dairies have been rather untouchable,'' said Glandon, who was with the board for 16 years. ''They have a lot of political significance in Sacramento. It's kind of understood.''

Some dairies do their best to contain their wastewater—a rich brine of manure, urine and water that is supposed to be stored in a leak-resistant lagoon, then used to irrigate crops.

The idea is to recycle the wastes right on the farm. As long as there is enough cropland, and not too many cows, potentially harmfull nutrients in the wastewater can be captured by the plants. In the right quantities, the nutrients don't harm the crops, but help them grow.

But all too often, regulators say, there are too many cows or not enough crops. Then, dairies simply let their wastes overflow—onto neighbors' fields, into roadside ditches, into creeks that feed rivers already degraded by other pollutants.

Perhaps a greater worry, they say, are findings not yet released suggesting a steady but invisible poisoning of water underground.

Industry spokesmen deny that violations are widespread.

''If they're saying they don't have the staff to go out and monitor, how can they make the statement that half are not in compliance? I question the accuracy of that statement,'' said Gary Conover of Western United Dairymen, the state's biggest dairy lobby.

''Over the last 20 years, the industry has come a long way to meeting its obligations under the law,'' Conover said. ''I think all in all, the dairy has done a very good job of controlling their wastes.''

Yet some dairy owners readily concede that in the grueling seven-day-a-week business of raising and milking cows, what's coming off the back end of the dairy is often little more than an afterthought.

''There's no way with the price of milk we get that we can afford to meet these rules,'' said one. ''If they made all dairymen in California do that, I think milk prices would skyrocket.''

The real problem, insist regulators, is power and money.

In 1988, when the Legislature set annual waste fees for factories, sewage plants and other dischargers, dairies were granted an

exemption. Instead, they pay a one-time fee of no more than $2,000. As a result, there is little in the budget for regulating them.

In the years since, the volume of waste has kept growing as dairies relocate from fast urbanizing Southern California or try to boost profits with bigger herds. Last year, there were 891,000 milk cows and heifers in the valley, up 42 percent from a decade before. A cow typically produces as much waste as 24 people.

Pollution authorities have concerns about other ''confined animal facilities'' raising beef, poultry and swine, but in the Central Valley they are far outnumbered by dairies.

Bill Crooks, former executive officer of the regional water board, said the agency has appealed regularly to its parent agency, the State Water Resources Control Board, for more money to monitor dairies.

''We've continually raised the issue on a number of fronts,'' Crooks said. ''But at the same time, we could see the handwriting on the wall. We could see it wasn't very popular, so we didn't push it very hard.''

A bill before the Legislature would authorize 18 new enforcement positions statewide, and the three or four going to the Central Valley could be assigned to dairies, said Craig Wilson, assistant chief counsel at the state board. But, he said, there are many other pressing needs.

''The dairy industry prevailed upon the Legislature to give them an exemption where they pay this one-shot deal,'' Wilson said. ''I don't think it's equitable. But we're stuck with the hand we're dealt.''

Day in and day out, the man trying to play that hand is Louis Pratt. All too often, he says, it's a loser.

Since Glandon's retirement, Pratt has been the one man in the field.

He is a pollution detective, tracking dairy wastes, in some cases many miles, to their source. Sometimes, particularly when winter rains overfill lagoons, he finds huge quantities have been deliberately released. Usually, it's just a small, steady overflow from a dairy that doesn't seem to care.

Pratt's is an exasperating routine. The violation notices he writes up are frequently ignored. Even in cases where he manages to win stiff fines, some dairies go on polluting.

One dairy he has hounded for 10 years was finally hauled into court by the San Joaquin County district attorney's office—the only one in the valley that seems inclined to prosecute dairies. The owners admitted illegal releases, paid nearly $10,000 in penalties and costs, and were ordered by the court to clean up.

Last winter, their waste ponds were overflowing again. Deputy District Attorney David Irey said that this time he will insist on tougher measures. ''But this case is the tip of the iceberg,'' said Irey. ''We think there could be hundreds of violations each winter.''

Cruising two-lane roads on the valley's east side one spring day, Pratt pointed to one dairy after another, casually noting violations and reciting his history of run-ins.

At one dairy near Elk Grove, a few dozen Holstein lazed in puddles of watery waste, which seeped from the muddy corral. ''They just arrogantly let it go, flood the neighbors, and tell the neighbors to go to hell,'' said Pratt.

At the next, the waste lagoon was too small for the number of cows. To keep it from spilling, the dairy had over-applied wastewater to a field, which in turn drained to a roadside ditch. ''Eventually, it ends up in the Cosumnes River,'' he said. ''I've talked to them, and they've done nothing.''

Farther south, near Escalon, Pratt pulled to the side of the road. With a long-handled scoop, he plucked a sample of a brownish liquid from a shallow canal, part of the vast grid of drainage ditches dug all across the valley floor to carry off used irrigation water.

Pratt poured the solution into a small meter that measures electrical conductivity, a crude indication of salts and solids. The needle jumped to 520, twice what it should be.

''I can come out here just about any day of the year and find dairy wastes going into that drain,'' he said dejectedly. ''All these little creeks and drains would support fish if there was no dairy waste going into them. But there's no fish, because they can't survive.''

Pratt used to get more help from the state Department of Fish and Game, which has suffered cuts of its own. Dennis DeAnda, a patrol lieutenant in Merced, said that as a field warden, he investigated several big dairy spills that left fish floating dead. But the subtler efforts of smaller, chronic releases, he said, are harder to gauge.

''We're dealing with probably several hundred dairies on the San Joaquin River alone,'' DeAnda said. ''Those impacts certainly are going to affect fish farther downstream.''

In the long run, the bigger worry may be what is happening underground, where no one can see.

When stored in a leaky lagoon, over-applied to crops or simply piled too deep in a corral, dairy wastes stand a good chance of seeping down into the ground. Eventually, the groundwater below can load up with nitrates, a form of nitrogen that in sufficient quantities can sicken or kill an infant.

Wells used by public water systems are periodically checked, and from 1984 to 1996, the number in the Central Valley with nitrates above the drinking water standard jumped fourfold. Private wells serving individual homes tend to be shallower—and more vulnerable to contamination—but there is no requirement they be routinely tested.

There are other obvious sources of nitrates—leaking septic systems and overuse of chemical fertilizers. Without sophisticated testing, it is usually impossible to trace contamination to any single source.

''Is it dairy X or is it dairy Y? Or is it the farmer who's using ammonia fertilizer between the two?'' said Cindy Forbes, Central Valley drinking water chief for the state Department of Health Services. ''That's the problem. There's no smoking gun.''

There is evidence suggesting that collectively, dairies pose a long-term threat to Central Valley groundwater—but the regional board has yet to release it.

In 1993, the agency dug 44 shallow monitoring wells at five dairies thought to be doing a reasonable job controlling their wastes. Groundwater samples taken over the next two years showed average nitrate levels five times the drinking water limit.

''The five dairies . . . share site characteristics and follow management practices common to hundreds of Central Valley dairies,'' notes a draft of the study, still under review three years later.

The ''standard approach,'' the report says, would be to stop the pollution and order cleanups. ''Despite the fact that significant pollution is apparently occurring, the standard response is not feasible . . . Current staffing levels are not adequate.''

No one can predict when the contaminants might reach the deeper aquifers that supply much of the valley with its tap water.

But with farmers perennially crying for more water, and some underground supplies already lost to pesticides, any drinkable reserves are certain to become more precious if the Central Valley keeps growing as projected.

''I expect there are plumes of high-salt, high-nitrate water under dozens, if not hundreds, of these sites . . . The nitrate is eventually going to get into the deeper stuff. It is just a matter of time,'' said Rudy Schnagl, who oversaw dairy regulation for 10 years as chief of the regional board's agricultural unit.

''What concerns me is there are a lot of rural residences that still have old wells that don't go down so deep.'' Schnagl said, ''I suspect a lot of those people are drinking water exceeding the nitrate standard.''

Some experts say the Central Valley need only look south, to the Chino basin east of Los Angeles, to see what it ultimately risks. With the highest concentration of dairies in the world, the Chino basin years ago was forced to write off vast quantities of tainted groundwater. But with subdivisions now displacing the dairies, water is in high demand. There is talk of building exorbitant desalination plants so cities can tap the dirty underground cache.

''It's so heavily loaded now with nitrates from dairy cows, it's just useless,'' said Bill Fairbank, an agricultural waste engineer who spent 30 years at the University of California. ''The Central Valley's headed in that direction, too, if they don't get their act together.''

DAYCARE FAIRNESS FOR STAY-AT-HOME PARENTS

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Ms. PELOSI. Mr. Speaker, the legislation before us rightly acknowledges the importance of parents who are fortunate enough to stay at home with their children. But this is only part of the story. Had this resolution actually gone through committee, we would also have addressed the importance of working parents who do not have the choice to stay at home.

All parents must be supported in their child care choices. While we all want to support parents who want to stay at home, we must acknowledge that many parents must work to keep their families out of poverty. More parents work than have ever before, and more families rely on the mother's income to make ends meet. Many mothers are essential in helping support their families financially. A national study found that 55% of employed women provide half or more of their household income.

In California, the average earning of a two-parent family with both parents working full time at the minimum wage is about $21,000. This is hardly enough to put food on the table, let alone afford quality child care.

Child care is a universal need. No parent must be discriminated against in our efforts to provide safe, quality child care for families who need it most. But we must work together to achieve this, not pit families with different needs against each other. I urge all my colleagues to work together on crafting a comprehensive child care proposal that addresses the needs of all families for safe, quality, affordable care for our most precious hope for the future—our children.

PROMISES VS. PERFORMANCE: THE 1996 TELECOM ACT REVISITED

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. HASTERT. Mr. Speaker, two years ago, on February 8, 1996, virtually the entire bipartisan leadership of Congress and the Administration gathered to celebrate the passage of the Telecommunications Act of 1996. It was supposed to reduce regulation, foster competition, create new jobs, and expand customer choice.

But today, it is becoming increasingly clear that the Federal Government has not delivered on that commitment. Of course, everyone has someone else to blame. However, the fact remains that we have more regulatory roadblocks than ever. At every juncture, the FCC's approach has been to adopt more rules and regulations. Almost all of those actions have been overturned by the courts.

Why should this matter to consumers? Because it means that they aren't getting the benefits of lower prices and more choices.

Mr. Speaker, it's time for someone to get a handle on these runaway regulations, so I'm looking forward to the new commissioners stepping up to the task. My message to the FCC is simple—Congress is still looking for competition and more choice—let's allow the communications marketplace to work for the American people, not the lawyers of the regulatory bureaucracy.

TRIBUTE TO LOUIS R. MARCHESE

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. YATES. Mr. Speaker, a year ago Monday, on February 9, 1997, Mr. Louis R. Marchese, 65, died at his home in Arlington Heights, IL. I rise today to pay tribute to this fine man on the anniversary of his death.

I was acquainted with Lou Marchese through his son Steven, my Legislative Director for Foreign Operations Appropriations. Lou was a prominent lawyer in Illinois, nationally recognized for his work in the wholesale-distribution industry. More importantly, he was a man of integrity and high moral character.

Lou was the consummate self made man. His beginnings were humble; his parents were first generation Italians. He worked hard to rise above the trappings of poverty, and was the first in his family to attend college.

Education was a priority for Lou, and only took a backseat when he served in the Army during the Korean War. He later used the GI bill to attend law school at DePaul University in Chicago. He began his legal career at the Chicago Association of Commerce and Industry and it was there that he developed a lifelong affinity for the needs of the American businessman.

He was active in a number of industries, and was a leader among his peers. He served on the board of directors for many organizations and was instrumental in forming national, regional, and local trade associations to champion the rights of small, family-owned businesses.

During his long and distinguished career, he helped to build the law firm that would later bear his name, Halfpenny, Hahn, Roche & Marchese. Lou's expertise was sought in the areas of antitrust, trade regulation, and interstate taxation. He was well-published and the author of several books on the legal aspects of distribution.

He loved representing entrepreneurial firms, as he knew they were the backbone of a successful national economy. To achieve this end, he created the Distribution Research and Education Foundation, an organization dedicated to promoting wholesale-distribution.

Lou won recognition as a leading legal authority in the automotive industry, receiving the industry's leadership award in 1983. He also is one of only two individuals outside of the automotive field to be elected to the Automotive Hall of Fame.

Mr. Speaker, despite all of Lou's many accomplishments, he was proudest of all of his family. He is survived by his wife of 36 years, Marge, and his five children, Anne, Mary Ellen, John, Meg, and of course Steve. It is within these fine individuals that his legacy continues today.

I am honored to have known such an outstanding gentleman as Lou Marchese. His sense of humor and commanding presence will be sorely missed by all those whose lives he touched. Lou's death was a great loss to the legal community and to all whom had the pleasure to meet him. I consider myself lucky to have been one of them.

UNFULFILLED PROMISES: THE 1996 TELECOMMUNICATIONS ACT

HON. SCOTTY BAESLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. BAESLER. Mr. Speaker, the etymology of the phrase ''buying a pig in the poke'' has a rich linguistic history that can be traced back to the 16th century. In those days, as in ours, it refers to ''something offered in such a way as to obscure its real nature or worth.'' The phrase is used these days to describe the growing sentiment regarding the Telecommunications Act of 1996.

When we voted on this legislation two years ago, we were promised a new era on the telecommunications frontier. We were promised better values for our consumers, greater competition, a higher level of local competition, and increased investments in local service facilities.

When this chamber passed the bill, we expected prompt and effective action from the Federal Communications Commission. We expected the FCC to give all consumers more long distance options and a greater array of services, in terms of local telephone and video service choices.

In my view, it seems that the FCC is moving in the wrong direction in allowing companies to compete for long distance services. This has been done at the expense of consumers and the regional Bell companies.

Although this is a tad tedious, the record speaks for itself. The FCC has attempted to subordinate state agencies through mandatory pricing ''guidelines'' and other requirements. Regrettably, the FCC has been joined by the U.S. Justice Department's Antitrust Division in expanding the scope of long distance ''checklist'' items.

Sadly, all Bell company applications to compete in long distance have been denied. This not only hurts the regional Bell companies, it also harms middle income and lower-income consumers in my Congressional District and across my home state. In Kentucky, for example, more than 60 agreements have been signed between BellSouth and competitors seeking to provide local telephone service to ''re-sell'' local service. In contrast to federal regulators, those closest to the ground know the value of fostering competition. In other words, state commissions continue to foster local exchange competition.

Across Kentucky we are seeing examples of competitors operating in Lexington and Louisville, where they can capture the more profitable business markets. Yet, we don't see a rush to introduce competitive services for residential customers.

In my view, it appears that there is a flaw either in the statute itself or with the manner in which the FCC is choosing to carry out its mandate. There's no doubt in my mind that we sorely need a collaborative approach by the FCC on this matter. This is what Congress expected when it voted on the Telecommunications Act. We still have this expectation.

In summary, we need an approach that is reasonable, balanced, specific and consistent with the clear intent of Congress. To do so, allows the Telecommunications Act of 1996 to achieve its intended worth and promised value to consumers and telecommunications companies. To do otherwise is to delay, or deny, the once-in-a-generation opportunity for consumers to benefit from a competitive and rapidly changing telecommunications market.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. KIND. Mr. Speaker, the American people are looking to us to pass meaningful campaign finance reform in order to restore their faith in the political process. The President of the United States has called for bipartisan campaign finance reform to restore fairness and structure to a system plagued by abuses and unfair advantage. Now, leaders of corporate America have spoken out demanding campaign finance reform to ensure that businesses do not feel obliged to make large campaign contributions. The House still fails to set a date for debate and ultimately, a vote. What group needs to speak out to get the attention of House leadership?

I will continue to deliver daily statements. Individuals and public and private interests will continue to speak out. The Senate will continue to do its job by voting on reform by March 6, 1998. Will the House continue to turn a deaf ear to a growing voice calling for reform? My constituents demand to be heard, they will not take ''no'' for an answer.

OUR LADY OF THE LAKE UNIVERSITY INAUGURATES FIFTH PRESIDENT

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. GONZALEZ. Mr. Speaker, on February 21st of this year, Our Lady of the Lake University will inaugurate Sally Mahoney as its fifth president. It is an honor for me to recognize and applaud this important event at one of the leading institutions of higher learning in the entire southwest portion of our Nation.

Our Lady of the Lake University is coated in the heart of the 20th Congressional District of Texas, which I have had the honor and privilege of representing in the U.S. Congress for thirty-six years now. For over one hundred years, Our Lady of the Lake University has provided premier education at the same location on the Westside of San Antonio.

The University—or ''The Lake'' as it is affectionately referred to in San Antonio—was originally established in Texas by the Congregation of the Sisters of Divine Providence. From its inception as a Catholic academy for young women, the Lake has grown into a coeducational institution of world renown, serving an entire region with an offering of scores of areas of study and advanced degrees. As I said on the floor of the U.S. House of Representatives some eight years ago on the University Founder's Day, ''Our Lady of the Lake University stands alone in its rich history of offering opportunities to groups left out of the mainstream, including women of all ethnic groups and adult students.''

While its enrollment may be small in numbers compared to some other universities, Our Lady of the Lake is big in its impact. It maintains the oldest social work program in Texas at the Worden School of Social Service. The list of University graduates reads as a who's who of those working to make a difference in their communities at the local level and nationally as well. It includes my esteemed colleague in the U.S. House of Representatives, the Honorable Ciro Rodriguez, and members of my own staff.

Other graduates include Dr. Gloria Rodriguez of Avance, Mary Jo Alvarez-Rodriguez of Project COPE, Guadalupe Gibson and Dr. Ernesto Gomez of Centro Del Barrio, Rosemary Stauber of the Bexar Country Women's Center, and Louise Locker Elliot of the Elf-Louise program. The list goes on and will only continue to grow, thanks to the strength of the University as an institution and the commitment of those associated with our Lady of the Lake.

As the recipient of an honorary doctoral degree in the humanities from Our Lady of the Lake, I would also like to extend my own personal welcome and congratulations to President Mahoney on the auspicious occasion of her inauguration as the fifth president of Our Lady of the Lake University. President Mahoney takes the reins from my long-time and very dear friend, Sister Elizabeth Anne Sueltenfuss, who served as President of the Lake for the past nineteen years. I trust that President Mahoney will have as long and productive a tenure, as Our Lady of the Lake continues into its second century of educational service and excellence.

TRIBUTE TO THE BOROUGH OF SEASIDE PARK ON THEIR 100TH ANNIVERSARY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. SAXTON. Mr. Speaker, I am proud to rise in tribute to the 100th anniversary of the Borough of Seaside Park, New Jersey. Seaside Park is celebrating their 100th anniversary on March 2, 1998, and will be holding a ceremony on Thursday, March 5 at 8:00 p.m. at the regular meeting of the Town Council. Other events will take place this summer, including an Ocean Mini-marathon swim on August 15, a Dinner Dance on August 21, and a Centennial Parade on August 22, to be followed with a fair with children's games and music.

The history of Seaside Park began in the late 1800's, and early settlers found the area so beautiful, they planned to create a park; thus the name Seaside Park. The early settlers were self-reliant people, and through their efforts they built a strong and vibrant community. In those early days, residents hauled sand to create the first roads, and many residents kept cattle, horses, and chickens.

In 1872, the U.S. Life Saving Service was established, with William O. Miller as the first captain. The Life Saving station became the Coast Guard Station with the founding of the Coast Guard in 1915. Today, the station serves as a meeting facility and is home to the borough offices.

Train service to Seaside Park began July 4, 1881, when the train made its first run from Philadelphia to Seaside Park. The railroad station, built in 1882, is now the site of the Municipal Complex.

In 1899, the Seaside Park Yacht Club was built. Seaside Park's famous Sewell Cup for catboats was originally presented by U.S. Senator William Sewell during opening race ceremonies in 1900. The Sewell Cup is still raced today.

In 1913, Seaside Park's Volunteer Fire Department was established. That year, the company built their first vehicle, a horse drawn hose truck. A large iron gong was rung whenever there was a fire, and residents responded. The gong is presently located outside the firehouse at the Municipal Complex. In 1938, the Tri-Boro First Aid Squad was formed. The squad originally covered the area from Lavallette to Barnegat Inlet.

In 1973, Seaside Park adopted its official Borough Seal. The seal is divided into three parts, representing the trinity of land, sea and air, which are symbolized by the native beach plum, striped bass and a sea gull. The colors of the seal are blue for nobility, gold for preciousness, and white for purity.

Mr. Speaker, today the Borough of Seaside Park prides itself on its excellent beaches, its quality of life, and its community spirit, where neighbors know and care about each other. I would therefore like to recognize all of the citizens of Seaside Park and their Mayor, John Peterson, Jr., and the Centennial Committee Chairperson, Ms. Nancy Carlson, for their ongoing and continuing pride and love for their town. Once again, Mr. Speaker, I would like to congratulate the Borough of Seaside Park on this historic milestone, and wish them a happy, prosperous and successful next century.

HONORING DR. NORA KIZER BELL

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. CHAMBLISS. Mr. Speaker, I have the distinct provilege today to honor a remarkable woman and the newest president of Wesleyan College in Macon, GA, Dr. Nora Kizer Bell.

On December 23, 1836, the Georgia legislature ratified the charter of the Georgia Female College and empowered its president to ''confer all such honors, degrees, and licenses, as are usually conferred in colleges or universities''—making it the first college in the world chartered to grant degrees to women. The college was founded through the efforts of a group of Macon citizens and the Georgia Conference of the Methodist Episcopal Church, expressing their commitment to the higher education of women.

The Georgia Conference assumed responsibility for the college in 1843, and by an act of the state legislature changed its name to Wesleyan Female College. The ''Female'' was eliminated from the name in 1917, but Wesleyan has remained a women's college throughout its history.

Wesleyan is also the birthplace of the first two Greek societies for women, the Adelphean Society in 1851 (now Alpha Delta Pi) and the Philomathean Society in 1852 (now Phi Mu).

In 1928 the Liberal Arts College was moved from its original College Street site to the new Rivoli campus in north Macon. The historic College Street building continued to house the School of Fine Arts, which consisted of the Conservatory of Music and the departments of art, theatre, and speech. In 1953 the School of Fine Arts, too, was moved to the present campus.

This is the extraordinary history of the institution that is about to inaugurate an extraordinary new president. In 1997 Wesleyan College named Dr. Bell its twenty-third president, to succeed Robert Kilgo Ackerman. Dr. Bell is a Magna Cum Laude and Phi Beta Kappa graduate of Randolph-Macon Woman's College. She earned the master of arts from the University of South Carolina and the doctor of philosophy from the University of North Carolina.

In 1998, one hundred sixty-two years after the college's founding, the president who confers degrees on the graduates of Wesleyan will also be the first woman to serve in that capacity. This is a great day for post-secondary education, women educators, Wesleyan College, and the City of Macon.

I am proud to represent Wesleyan College and I commend Dr. Bell and her faculty and administration on their commitment that Wesleyan College continue to provide the best education for tomorrow's leaders.

TRIBUTE TO A.J. NASTASI: PENNSYLVANIA'S ALL-TIME HIGH SCHOOL BASKETBALL SCORING LEADER

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. SHUSTER. Mr. Speaker, I rise today to pay tribute to a young man who has made an athletic accomplishment that many people thought would probably not be broken. A.J. Nastasi, a student at Northern Bedford High School located in Loysburg, Pennsylvania, broke the Pennsylvania Boys High School basketball Scoring record on Saturday, February 7, 1998, with 3,627 points. I was fortunate enough to be in attendance for this historic game, watching A.J. and his teammates take on my hometown's team from Everett, Pennsylvania. A.J. has demonstrated great poise and maturity throughout this exciting basketball season, a trait no doubt attributed to his family. It should be noted that the previous record holder is a former colleague of mine here in the House of Representatives, former Representative Tom McMillen of Maryland. Tom set the state record in 1970 at Mansfiled High School, scoring 3,608 points, and went on to a successful college and professional basketball career before coming to Congress. It was a privilege to be invited to honor A.J. and celebrate this momentous occasion with the many fans, friends and family members in attendance. Next Fall, A.J. will be attending West Virginia University as a scholar-athlete. A.J. has become part of an esteemed group of athletes through his accomplishment. I wish A.J. the best in this future endeavors, and hope that he continues his success on and off the court.

RECOGNIZING THE Y107/ST. JUDE'S TELETHON

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. PAPPAS. Mr. Speaker, this Friday and Saturday, February 13 and 14th, radio station Y107 and the Woodbridge Center in New Jersey will be hosting the first annual Y107/St. Jude Radiothon.

The radiothon which will run for a total of forty two and a half hours over the next two days, seeks to raise money for St. Jude Children's Research Hospital for the fight against cancer and other catastrophic diseases.

Thirty-six years ago an entertainer by the name of Danny Thomas founded the only hospital devoted to solely fighting the plague of cancer on the world's children. That hospital, the St. Jude Children's Research Hospital is still today the only hospital devoted to this cause, and is still fighting cancer with a rare, precious vigor and determination.

Treating over 14,000 children and making scientific breakthroughs again and again, St. Jude's had helped to increase the overall survival rate for children stricken with cancer with 20 to 60 percent in its 36 year time span.

Today I would like to personally thank each and every person who has devoted their time, money, and hearts to St. Jude's children. I would also like to commend all of those who have made these incredible advancements in saving our children from cancer. One cannot praise the hospital staff and volunteers enough for their efforts throughout their years of service. Moreover, I must also extend my great appreciation to those who have donated to St. Jude's over the years. With costs of over $60,000 for only the first year of treatment, the children and St. Jude's count on our charity and generosity to fund their worthy cause and make treatment possible. Congratulations, best wishes and acclaim to St. Jude Children's Research Hospital, the children, staff, contributors and people of Central New Jersey that will help Y107 reach its goal this weekend.

RECOGNIZING LAUREN HOUGH FOR OUTSTANDING VOLUNTEERISM

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to congratulate Lauren Hough of Agnes Irwin School. Recently, Lauren was named a Distinguished Finalist for the state of Pennsylvania in the Prudential Spirit of Community Awards. This nationwide program highlights the achievements of America's most exemplary young people, like Lauren, who volunteer to make a difference in their communities and throughout the world.

Miss Hough is being recognized for her work with Operation Smile, an organization dedicated to providing medical assistance and surgical procedures to underprivileged children throughout the world. Last year, Lauren traveled with the organization to Kenya, where she assisted doctors by comforting children who are undergoing surgery for facial deformities.

Operation Smile has made a significant impact throughout our nation and in the world. With the help of volunteers like Lauren, Operation Smile has positively influenced over 41,000 children.

Lauren Hough should be proud to have been singled out for recognition out of a national pool of over 11,000 students. I applaud the work of Miss Hough in making a difference and aiding the lives of children throughout the world. She has demonstrated a level of commitment and integrity that is exceptional for a student of her age.

Lauren's work is a model for other students and adults throughout the nation. Volunteer actions by those like Lauren is what made America great. As a representative of the youth of America, Lauren's vision for volunteerism provides me with an enthusiastic outlook for the future. I thank Lauren and encourage her to continue working to make a difference in the lives of others.

1998 CONGRESSIONAL OBSERVANCE OF BLACK HISTORY MONTH

SPEECH OF

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. TIERNEY. Mr. Speaker, while we celebrate the many accomplishments and contributions that African Americans have brought to our diverse country this month, I would like to bring to the attention of my colleagues an individual whose spiritual faith and dedication to inner-city children has been an inspiration to many.

Rev. Walter Murray graduated from Harvard School of Divinity in 1986 and for the past eight years, has been Pastor at Zion Baptist Church in Lynn, Massachusetts. During his tenure at Zion Baptist he founded the ''Inroads New England'' program and provided transportation to inner-city children who otherwise would not be able to attend program events. Last fall, Rev. Murray was honored for his work with Inroads New England.

The co-founder of the Essex County Community Organization, Rev. Murray also helped create the Jump Start program in the basement of his church, which provided after-school activities for latchkey children. He is a member of the Swampscott, Massachusetts Rotary Club and has assisted in the development of youth leadership weekends. He has been honored with the Massachusetts Ecumenical Council of Churches award for Ecumenism, the First Decade Award from Harvard Alumni Association, and the Childrens Defense Fund National Achievement Award.

Frederick Douglass once said, ''I cannot allow myself to be insensitive to the wrongs and sufferings of any part of the great family of man.'' Rev. Murray personifies the words of the great abolitionist and civil rights leader through his selfless dedication and spiritual devotion to the children who are often neglected and forgotten. His work has touched the lives of hundreds of children and adults and he continues to influence more and more individuals every day. In our lifetime, we are fortunate to know at least one person with such philanthropic commitment, and as we commemorate Black History Month, I am honored to call Rev. Murray a constituent, a dear friend, and an individual who truly represents the achievements of African Americans to our society.

SALUTING SAM JOHNSON OF TEXAS

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. SENSENBRENNER. Mr. Speaker, I rise to salute a colleague and a true patriot, Representative SAM JOHNSON of Texas. Today marks the 25th anniversary of Mr. JOHNSON'S release from North Vietnam, where he was held as a prisoner of war for nearly seven years in the infamous Hanoi Hilton.

We have all heard stories of the horrific conditions endured by American servicemen who became pawns of the North Vietnamese as

the Vietnam conflict raged. Representative JOHNSON saw some of the worst. He has been quoted as saying, ''If hell is here on earth, it is located on an oddly shaped city block in downtown Hanoi, Vietnam.''

Isolation, starvation, and torture were almost certainly not what Representative JOHNSON envisioned as he participated in ROTC in college and moved on to a military career as an Air Force fighter pilot. Yet when his F–4 was shot down only two months into his second tour of duty in Vietnam, Representative JOHNSON took everything that was handed to him all the while heroically maintaining his pride in the country he serves to this day.

He was labeled a diehard by his guards and banished to solitary confinement for months at a time. A patriot throughout, Representative JOHNSON returned home an continued his military service until his retirement in 1979. He was elected to the House of Representatives in 1991, where he has repeatedly shown his dedication to responsible fiscal policy, family values, and America's patriotic heritage.

Since his return from Vietnam, Representative JOHNSON has received many awards in recognition of his service to his country, including two Silver Stars, two Purple Hearts, two Legions of Merit, the Distinguished Flying Cross, and one Bronze Star with Valor, among others.

Representative JOHNSON, our tribute today is not so prestigious an award. Yet it is meant to signify the gratefulness and respect of your colleagues for the service you have done your country and continue to do as a Member of this House. Representative JOHNSON, thank you. Your enduring will and patriotism in the face of unimaginable adversity is truly exemplary.

HONORING THE WHITTIER CITY SCHOOL DISTRICT ON THE OCCASION OF ITS CENTENNIAL CELEBRATION OF EDUCATING WHITTIER'S CHILDREN

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. TORRES. Mr. Speaker, I rise in honor of the 100th Anniversary of the Whittier City School District. On Friday, February 20, 1998, students, teachers, administrators, and friends and family of the Whittier City School District will come together at a special Centennial Celebration at the Whittier Community Center, in Whittier, California, to commemorate 100 years of dedication to educating Whittier's children.

The rich history of the Whittier City School District reflects the history of the State of California and of our nation. Established on February 21, 1998, the newly formed district experienced the growth boom of the west. In its first 20 years, coinciding with the incorporation of the City of Whittier, school enrollment doubled from 200 to 400 pupils. It again doubled during World War I. By 1917, the area's growing oil industry began producing over a million barrels per year. With this booming industry, new jobs and population growth followed. During this same period, to accommodate the increase in student enrollment, four new schools were built: John Muir Junior High; Jonathan Bailey Elementary; Longfellow Elementary; and Lydia Jackson Elementary.

Growth slowed during the Great Depression. Despite the stagnant economy, in the latter part of the Depression, the District built the Lou Harry Hoover School. Following World War II, phenomenal growth in the district prompted the construction and annexation of 12 schools. During the post World War II era, a total of 11,400 students graduated through the Whittier City School District. After the Korean Conflict, total school enrollment had grown to 1,700 pupils. For the last 40 years, the district has experienced steady growth. During the Vietnam Conflict years, the North Whittier School, later renamed Wallen Andrews Elementary, was built to accommodate students coming from the newly built tract homes along Workman Mill Road, north of the City of Whittier.

Currently there are 13 schools in the Whittier City School District: Wallen Andrews; Lou Henry Hoover; Lydia Jackson; Abraham Lincoln; Longfellow; Mill; Orange Grove; Daniel Phelan; Christian Sorensen; George Washington; West Whittier; Walter Dexter Intermediate and Katherine Edwards Intermediate. The Whittier City School District Board of Education, consisting of School Board President Brigitta Weger, Vice President Dr. Owen Newcomer, Clerk Dr. James Albanese, and Boardmembers Javier Gonzalez, and John Peel, along with Superintendent Dr. Carmella Franco, are dedicated to the District's motto ''Educating Children . . . Our Only Business.'' With the arrival of the Centennial Celebration, student enrollment is near 7,000 and the Whittier City School District estimates, after the conclusion of the current academic year, a total of 43,700 students will have graduated from its schools during the past 100 years.

Mr. Speaker, I ask my colleagues to join me extending our congratulations and appreciation to the friends and family of the Whittier City School District on its 100th Anniversary and for its century of exemplary dedication to providing top quality education for our youth.

CELEBRATING THE 80TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. BONIOR. Mr. Speaker, I rise today to recognize the 80th anniversary of the declaration of Lithuanian Independence.

For nearly 55 years, Lithuania was occupied by Soviet military forces. But in the past five years, the people of Lithuania have been able to finally enjoy and celebrate the freedoms and privileges of an independent nation.

The United States and Lithuania have now formed a significant partnership between our leaders, our governments, and our people. We have close trade relations with Lithuania. We are mutually committed to the security of the Baltic region.

With free and fair elections recently completed, Lithuania has established a commitment to democracy and pluralism. I believe we can say with great confidence that Lithuania is becoming a full partner in the effort to build democracy and promote freedom around the world.

I commend the Lithuanian-American community for their persistence and hope through the many challenging decades. The 80th anniversary of Lithuanian independence will be celebrated by the Lithuanian-American community in Southeast Michigan on Sunday, February 8, at the Lithuanian Cultural Center in Southfield.

I urge my colleagues to join me in honoring Lithuania's independence.

TRIBUTE TO BERNARD F. EICHOLZ

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. PORTMAN. Mr. Speaker, I would like to acknowledge the outstanding and tireless contributions of a distinguished Ohioan, Bernard F. Eicholz, who recently retired from the Certified Development Company (CDC) of Warren County, Inc.

From 1981 to 1997, Bernie served as founder and President of the CDC. The CDC is a vital tool for small business owners throughout Warren County. When he founded the CDC, few could have foreseen the growth and development the area would experience. But Warren County has experienced record-breaking economic growth, and Bernie has been a driving force behind it. During Bernie's service, the CDC has helped small businesses to create or retain nearly 2,000 full-time jobs in Warren County.

Bernie has devoted his entire life to public service. Prior to founding the CDC, he served as Mayor of Covington, Kentucky; City Manager of Franklin, Ohio; Director of Economic Development for Warren County, Ohio; and Director of Economic Development for Springboro, Ohio. He has also served as a consultant to community leaders on issues ranging from annexations to charters.

Bernie has given generously of his time and talent and we are grateful for his many years of service and leadership. His leadership in the business community and Warren County as a whole have helped to transform the region. All of us in southwest Ohio congratulate him on his retirement and recognize him for his many accomplishments.

TRIBUTE TO DONALD SHAPIRO

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mrs. LOWEY. Mr. Speaker, I wish to pay tribute to Donald L. Shapiro in honor of the dedication of his portrait at the Harvard Club of New York City. He is a man of character, ambition, and faith.

Few Americans have been as successful as Donald Shapiro. A graduate of Harvard College and the Harvard Graduate School of Business, Donald Shapiro has served as Vice President of Real Estate for Levitt & Sons, and subsequently as Executive Vice President of Peerage Properties. He was also President of the Roosevelt Field Shopping Center on Long Island.

In 1974, Donald co-founded Vector Real Estate Corporation. As President, he guided the firm in development, acquisitions, and joint-ventures on residential, commercial, and retail properties. In 1989, Donald began a tenure as director of the New York Federal Savings Bank; three years later, he became its CEO. Last year, he negotiated the sale of New York Federal Savings Bank to Flushing Savings Bank and became a Senior Vice President.

It should also be noted that Donald Shapiro has helped guide several other enterprises in the New York area. He is a former board member of the Community Bankers Association of New York State and is currently a director of the Associated Builders and Owners of Greater New York.

But, Mr. Speaker, Donald Shapiro has done so much more. Religion, education, and family have played significant roles in his life. I particularly respect and admire his religious commitment. He is Vice Chairman of the Board of the Reconstructionist Rabbinical College in Philadelphia and Chair of the West End Synagogue. His leadership has helped these institutions thrive. I also commend him for his loyalty to the educational institutions that helped him grow. He recently completed a term as an Alumni Trustee of the Phillips Academy, and is currently Chair of the Academy's Campus Design Review Committee.

Donald Shapiro has embraced life. In addition to his business and volunteer ventures, he enjoys swimming and playing squash, and is an aficionado of theater and music. The New York Giants and New York Mets can count him as one of their biggest fans. He has three adult children—a rabbi, a poet, and an actor. He is married to Arlene, a real estate broker, and they reside in New York City.

From 1993 to 1996, Donald Shapiro served as President of the Harvard Club of New York City. Next week, the Club will dedicate his portrait. On this joyous occasion, I want to acknowledge his achievements and wish him happiness and success in the future.

RECOGNIZING THE NEW CASTLE AREA HONOR GUARD

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. KLINK. Mr. Speaker, I rise today in recognition of the New Castle Area Honor Guard. This group of dedicated Veterans provides an invaluable service to all those individuals who risked their lives in defense of our freedoms. I would like to take this opportunity to commend these volunteers for their years of service to the Veterans of Lawrence County.

The New Castle Area Honor Guard was formed in October 1992 when a group of concerned Veterans became aware of a terrible disservice that had recently occurred. A fellow Veteran had passed away in the New Castle area, leaving no survivors to attend his funeral service or honor his memory. The concerned men enlisted the aid of their fellow Veterans and committed themselves to honoring their comrades in an appropriate fashion. Hence, the honor guard was formed to provide military funeral services for honorably discharged Veterans of the area.

Since performing their first military funeral in 1993 the membership of the New Castle Area Honor Guard has grown to nearly 40 dedicated individuals. In addition to funeral services, they have extended their operation to perform services in which our national flag is honored. The honor guard has performed more than 500 funerals in and around the Lawrence County area and has traveled as far as Ohio to provide their services.

Mr. Speaker, let us commend the efforts of this loyal group of American Veterans. These citizens have proven their commitment to our nation time and time again. They once served with valor in our armed forces and they continue to serve with honor in our community. I ask you and all members to join me in a special salute to the New Castle Area Honor Guard.

SAVE SOCIAL SECURITY FIRST RESERVE FUND

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. RANGEL, Mr. Speaker, I am today introducing legislation to establish a ''Save Social Security First Reserve Fund.'' I am joined by Representative BARBARA KENNELLY, Ranking Democrat on the Subcommittee on Social Security, and Democratic Members of the Committee on Ways and Means. I hope that others, both Democrats and Republicans, will join us in this effort.

The bill would implement the President's call to reserve 100 percent of the budget surplus until we have taken all the necessary measures to strengthen the Social Security system for the 21st century. It would ensure that budget surpluses are set aside pending Social Security reform.

Social Security is a strong reflection of who we are as a nation. Through it, we recognize our duties to our parents and grandparents and our shared responsibility to one another. Social Security protects all of us in good times and in bad.

Without Social Security, nearly half of all older Americans would live in poverty. That is because Social Security provides most of the income of two-thirds of the people over the age of 65.

Social Security protects young and old alike from the unforeseen circumstances of death or disability. Over 7 million widows and children receive benefits due to the death of a breadwinner.

This legislation reflects our determination to save Social Security first—before we talk about tax cuts or spending priorities. Thus, the bill would require the Secretary of the Treasury to deposit any budget surplus into the Save Social Security First Reserve Fund which would be invested in U.S. government securities. The budget deficit would be zero. This would leave no doubt that we intend to save any budget surplus which materializes until we have taken action to strengthen the Social Security system.

DAYCARE FAIRNESS FOR STAY-AT-HOME PARENTS

SPEECH OF

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. RADANOVICH. Mr. Speaker, passage of H. Con. Res. 202, the Equitable Child Care Resolution, is an important step Congress must take to address the child care needs of American families.

The Equitable Child Care Resolution will ensure that the child care discussions by Congress include consideration of the needs of at-home parents. Unfortunately, the President's child care proposal fails to recognize that almost 70 percent of American families do not pay for child care because at-home parents or relatives care for the children. These families—many of which are low to middle income—have devised creative solutions to meet their child care needs, because they would rather have a parent, relative, or friend care for their children than an institution. However, their solutions often entail a sizeable sacrifice of family income. The President's proposal simply ignores this 70 percent of families with children and instead focuses on the remaining 30 percent.

During consideration of child care policy, it is also important that Congress not create another large federal bureaucracy. Such a bureaucracy, coupled with a subsidy for child care, would create the incentive for increased dependence on, and control by, Washington bureaucrats. The effect would be to move more children into institutionalized day care. Parents have the right to determine what kind of child care that is best for them, whether parent-based, church-based, community-based, neighborhood-based, or institution-based. They should not be pushed into one type of care through social engineering subsidies. Moreover, the President's plan would unequally distribute benefits, tilting them toward families where both parents choose to work, while taxing those who decide to stay at home.

A more effective solution would be to provide an across-the-board tax reduction—such as expanding the $500 per child tax credit recently enacted by Congress. We should expand the range of choices available to parents, not the government's control over child care. Parents should be equipped with the resources, responsibility, and personal control to raise their children.

The federal government currently sponsors numerous programs to help families with children. Since 1995, Republicans in Congress have enacted major reforms to help families afford child care. The welfare reform law has merged four programs into the better and more effective Child Care Development Block Grant. This block grant allows localities to respond to the different needs of our families, giving parents choices through vouchers. Overall, welfare reform has increased child care funds for our country's neediest families by $4 billion. In addition, the Child Development Tax Credit provides $14 billion over the next five years to families with child care expenses.

My goal is to help restore the central role of families in society while addressing the specific needs of our children. A child care plan,

such as the one offered by the President, that punishes parent care and encourages government controlled institutionalized care does not strengthen the family. Rather, it weakens families while increasing the role of Washington bureaucrats in the lives of our children.

INTRODUCTION OF HOME CARE LEGISLATION

HON. MERRILL COOK

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. COOK. Mr. Speaker, I am pleased to join my colleague from Massachusetts, Congressman MCGOVERN as an original cosponsor of legislation to address some serious problems caused by certain provisions included in the Balanced Budget Act.

There were several provisions included in the Act intended to address alleged Medicare waste and fraud occurring in the home care industry. However, some of these provisions are causing a great deal of hardship and heartbreak for seniors in Utah, Massachusetts, and across the nation.

Why is this happening?

First, the provisions in the Balanced Budget Act put the cart before the horse. They have forced home care providers to cut costs at least six months before the federal government tells the providers how much they have to cut.

Second, the provisions create a Rube Goldberg system where home care providers are rewarded or punished depending on what kind of fiscal year they use. I would need a one hour special order to try to explain this one.

The bill that Congressman MCGOVERN and I are introducing will address these problems. I urge my colleagues to join as cosponsors of this legislation.

TRIBUTE TO CHIEF A. LEROY WARD

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to the late Mr. A. Leroy Ward, the former police chief of Neptune Township, NJ, who passed away earlier this week at the age of 83.

Mr. Ward served 35 years on the Neptune police force, beginning as a patrolman in 1944 and rising through the ranks of sergeant, lieutenant and captain before appointed chief on February 1, 1964. He retired in 1979. A loving husband and father, he is survived by his wife of 61 years, Dorothea, two sons, two daughters, 10 grandchildren and five great-grandchildren. His son James A. Ward currently serves as the Neptune Township Police Chief.

Mr. Ward was born in Newark, NJ, and lived for more than 50 years in the Ocean Grove area of Neptune. He was past president of the Monmouth County Chiefs of Police Association and a member of the New Jersey International Chiefs of Police Association. He was a member of St. Paul's United Methodist Church in Ocean Grove, the Wall-Spring Lake Lodge 73 of the Free and Accepted Masons, the Washington Fire Company 1 of Ocean Grove and the New Jersey Exempt Firemen's Association.

The obituary for Mr. Ward that was published in the Asbury Park Press of New Jersey quoted political and law enforcement leaders praising the former chief for his consummate professionalism. Mr. Ward served during a time of explosive growth in Neptune Township, and he responded very well to the challenges and opportunities posed by these changes. He reached out to all parts of the community, from young people to senior citizens, and fostered a strong sense of respect between the police and the community.

Mr. Speaker, I am honored to pay tribute to this great public servant and fine man, Chief A. Leroy Ward. I extend my condolences to his family, and hope that the many tributes pouring in for Mr. Ward will be a source of comfort to them.

''REDUCE THE FEDERAL DEBT, ENHANCE THE LINE ITEM VETO''

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. JOHN. Mr. Speaker, about a year ago, I stood on this floor for the first time as a Member of Congress and spoke in support of the balanced budget agreement. In my comments, I praised all those who worked diligently to secure our Nation's immediate future by tackling the deficit. However, I also recognized that another, more ominous problem awaited us on the horizon; and that problem could only be addressed once we got a handle on our deficit. That problem, Mr. Speaker, is our national debt.

We all know the numbers—the federal debt now stands at over $5.3 trillion, which amounts to roughly $20,000 for every man, woman, and child in the country. According to the President's budget, we must allocate roughly 14 percent of our budget this year simply to pay the net interest on the debt.

Mr. Speaker, I know all of you share my enthusiasm over the continued expansion of the economy and the economic forecasts predicting a balanced budget as early as fiscal year 1999. In addition, we are all aware of the debate currently being waged with respect to what our priorities should be if we experience a budget surplus; however, now is not the time to abandon our fiscal belt-tightening. Rather, the tools we now have in place to ward against pork-barrel spending need to be preserved and enhanced.

An example of this is the President's line item veto authority. As you recall, the impetus behind the line item veto was, in part, to ward against wasteful spending—a concern that I believe is paramount regardless of whether a budget deficit or surplus exists. Mr. Speaker, it is with this particular concern in mind that I come to the floor today. For without legislative action, the Line Item Veto Act of 1996 and the fiscal responsibility if represents will be endangered due to a technicality.

Under current law, the President may enroll this authority only in the event of a budget deficit. Regardless of our opinion over how the President recently used this authority, if we support the ideal behind the legislation, we must remain vigilant against wasteful spending and provide this continued authority in the event of a budget surplus.

Today, I dropped a bill to remedy this problem and I urge my colleagues' serious consideration and support in moving his fiscally prudent legislation forward.

Mr. Speaker, my proposal would preserve the continuation of the line item veto by adding language to the Act clarifying its applicability during a budget surplus and directly the savings to be used to reduce the national debt. This not only provides clear congressional intent, but also strengthens the constitutionality of the Act by limiting the delegation of authority between the Legislative and Executive branches to times of a deficit or a surplus.

Again, I believe that this is a great, fiscally responsible issue for all in Congress to champion during the 2d session and I welcome your comments and cosponsorship. Please join me in supporting this legislation.

PUERTO RICO POLITICAL STATUS ACT

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. ROMERO-BARCELÓ. Mr. Speaker, three days from today, one hundred years ago, history was made. On the night of February 15, 1898 at exactly 9:40 p.m. the United States battleship USS Maine exploded in Cuba's Havana Harbor.

To this day the cause of the explosion, which killed 266 naval officers and crewmen, remains a mystery. Yet despite the unknown source of the attack, it was the spark that fueled the Spanish American War in 1898.

A war that Americans proudly entered as a crusade to free Cuba from Spanish rule.

A war that also liberated Puerto Rico from Spanish rule, but turned Puerto Rico into a U.S. territory.

We have now been a territory of the United States for 100 years and disenfranchised U.S. citizens for 81 years. But a century has passed us by and we remain disenfranchised and a colony, at a time when colonies are not only unfashionable but embarrassing to a Nation that preaches democracy throughout the world and calls for a plebiscite in Cuba.

Puerto Ricans are part of the great American family. Puerto Ricans are United States citizens who have proudly fought in numerous conflicts for our Nation. They have shed their blood and they have defended democracy like any other soldier living in the 50 states.

The U.S. citizens of Puerto Rico deserve much more than the continued postponements for consideration of their case. Congress has procrastinated our political dilemma for too long. The Legislature of Puerto Rico has enacted joint resolutions which it has sent to three consecutive Congresses, the 103rd, the 104th, the 105th—asking for Congress to take the necessary steps to resolve the Puerto Rico political status. This Congress, the 105th Congress, has the authority and the moral responsibility to approve H.R. 856—the US-Puerto Rico Political Status Act, a bill for self-determination—a bill which will pave the road to enfranchisement and equality.

THE TELECOMMUNICATIONS ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. JONES. Mr. Speaker, I stand here today with one simple question for the FCC.

Where is the telecommunications competition that Congress promised the American people two years ago?

Did the dog eat it? Is it in the mail?

Congress spend years crafting a well-balanced compromise that became the Telecommunications Act of 1996.

It needed only a light touch from regulators to steer it to a safe harbor, bringing much-needed competition to cable, long distance and local markets.

Instead, the Washington bureaucrats churned out unnecessary and unintended regulations.

These regulations, subsequent court cases and the steadfast quarantine of the Baby Bells has actually delayed competition by creating confusion and uncertainty.

Congress' intention was to simplify this industry. Unfortunately, this commonsense philosophy seems lost on the FCC.

So, Mr. Speaker, I renew my question for the FCC.

Where is the competition that Congress promised the American people?

Did the dog eat it? Is it in the mail?

Or has the FCC frittered it away with detail?

TELECOMMUNICATIONS ACT ANNIVERSARY

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. TAYLOR of North Carolina. It would give me great pleasure to be able to stand before the American people today and cheer the second anniversary of the signing of the Telecommunications Act of 1996.

Unfortunately, there is nothing to cheer about. The sound that American consumers hear is the sound of a busy signal.

In the two years since the Telecommunications Act was signed into law, the American people have been promised a new era of competition and lower phone rates. Well ladies and gentlemen, the American people are still on hold.

Instead of receiving lower phone rates, they have received thousands of pages of new regulations and they have witnessed jurisdictional squabbles and federal court appeals. They have gotten the stingy judgment of regulators and bureaucrats instead of the prosperous judgment of the marketplace. This is not what Congress intended when we passed this legislation.

Mr. Speaker, on this important anniversary, I call on the Federal Communications Commission to loosen the shackles on telecommunications competition.

It is time for the Federal Communications Commission to trade in its approach of confrontation and punishment, for one that celebrates cooperation and competition.

Let us unleash the markets and allow hard-working, tax-paying American people to receive the benefits of the new era of competition they were promised by Congress and the President.

Come on FCC, drop a dime and reach out and touch the American people.

CALLING FOR U.S. SUPPORT FOR TAIWAN'S REPRESENTATION IN THE WORLD HEALTH ORGANIZATION

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. BROWN of Ohio. Mr. Speaker, I rise today to introduce a resolution calling for Taiwan's representation in the World Health Organization (WHO) and U.S. support for such a bid. As the ranking member on the House Subcommittee on Health and Environment, I am pleased that several of my colleagues from both sides of the aisle have joined me in this important endeavor, for health knows no boundaries and this issue is one that should unite rather than divide us.

Sick children feel the same pain and shed the same tears, whether they live in Taipei, Los Angeles, Milan, or Nairobi. The stated and noble aim of the WHO is to help achieve the highest possible level of health for all peoples, but the 21 million people of Taiwan are currently barred from accessing the latest medical knowledge and techniques which the WHO could provide. Moreover, Taiwan cannot contribute its own substantial health resources and expertise to furthering the goals of the WHO, as it did prior to 1972.

Quite simply, as increased international trade and travel leads to a greater potential for the cross-border spread of infectious diseases, the case for Taiwan's participation in the WHO grows stronger every day. Taiwan and its children have much to gain from the WHO, as does the WHO from Taiwan. This issue is principally a matter of the basic human right to good health, and I encourage all my colleagues to support this resolution.

IN HONOR OF MELVIN E. KAMEN: AN INVENTOR OF THE YEAR NEW JERSEY INVENTORS HALL OF FAME

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an outstanding scientist, Mr. Melvin E. Kamen, who will be honored as an ''Inventor of the Year'' by the New Jersey Inventors Hall of Fame at their 10th Annual Awards Banquet on Thursday, February 12, 1998, at the William Hazell Center at the New Jersey Institute of Technology in Newark, NJ.

Mr. Kamen, Chief Research Scientist for Revlon, has been with the company for 28 years. Prior to his association with Revlon, Mr. Kamen was the president and chief chemist of New Jersey-based Kamco Chemical Industries. he is recognized for his work in developing ENVIROGLUV, a revolutionary new glass decorating technology. He holds memberships in several professional organizations, including the American Institute of Chemists and American Oil Chemist Society, as well as the New York Academy of Science and the Society of Glass and Ceramic Decorators.

Mr. Kamen, a resident of Highlands, NJ, is Senior Vice President of Advanced Technology at the Revlon Research Center in Edison. Mr. Kamen spent 10 years developing and refining the ENVIROGLUV process. This process eliminates any heavy metals, solvents and volatile organic compounds from the glass decorating process. ENVIROGLUV provides both an economic and environmentally sound alternative that is superior to conventional glass decorating methods. This technology is touted as one of the biggest breakthroughs in the glass decorating business in 100 years.

Revlon Technologies is the technology licensing division of Revlon, Inc., a worldwide leader in the development and marketing of cosmetics, skin care, fragrance, personal care and professional products. The division's first product is ENVIROGLUV which uses patented and proprietary inks in a glass decorating technology based on ultraviolet light rather than old-fashion heat curing ovens. The process offers superior color, greater speed and flexibility, reduced manufacturing costs and environmental benefits.

It is an honor to recognize Mr. Melvin E. Kamen for his outstanding accomplishments. I am certain that my colleagues will join me in paying tribute to this remarkable gentleman.

DAYCARE FAIRNESS FOR STAY-AT-HOME PARENTS

SPEECH OF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. WOLF. Mr. Speaker, I rise in support of House Concurrent Resolution 202, the Equitable Child Care Resolution. There's been a lot of talk about child care over the last few months, and I think that's good. It's good that we're talking about this subject. But my question is, is it fair and right to give tax credits only to those parents who use paid day care for their children? What about those who have made the decision to either be home with their kids, or who have their relatives caring for their children?

There are a lot of different child care proposals on the table right now, and there will probably be more to come. The administration has laid out its child care proposal. But there is something that all of these proposals have in common: They are all trying to help families, but only those families who use commercial day care. But what I would like to see is fairness for the families who don't fall under that category.

The fact is, at-home care of children is not just a thing of the past in some ''Leave It To Beaver'' world. The majority of families with preschool-aged kids are either caring for the children themselves or are having relatives take care of the kids. Some of these parents are working part-time, or working in ''tag-team'' shifts so they can both have time with their kids and avoid having to pay for someone else to care for them. Some of them have grandma or grandpa taking care of their children, or an aunt or uncle.

According to the most recent information that we have from the Census Bureau, only about a third of children under the age of 5 are in some form of paid day care while the mother works outside the home. Is it really fair to only give tax relief to that one-third of American families? What can we do to help the other two-thirds of families? Let's not forget about them.

The American family is under great financial pressure today. And a lot of that pressure is due to the burden of taxes. Who is being hit the hardest? Families with children. These last 50 years have meant a huge increase in the tax burden being placed on these Americans. In 1948, for example, a mom and dad with four kids only paid a mere 3 percent of their family income to the federal government in direct taxes. But last year, that figure had jumped dramatically. In fact, that same family had to pay almost a quarter of its income to Uncle Sam! (When you include state, local and indirect taxes, that 1997 figure leaps to about 38 percent.) This is ridiculous. And something has to be done about it. Why are we penalizing people for getting married and having children? And why, as we talk about child care proposals, are we penalizing those who are sacrificing even more by staying at home or having relatives take care of their kids?

And that's why I stand here to give my support to the Equitable Child Care Resolution, H. Con. Res. 202. I urge my Colleagues to take this step to ensure that all families will be treated fairly as we continues these discussions about day care.

USING SPACE TO ENSURE U.S. NATIONAL SECURITY

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. ROHRABACHER. Mr. Speaker, on January 15 of this year, a highly respected defense think-tank, the Center for Security Policy, held a high-level roundtable focusing on the need for American space dominance to promote U.S. national security in the next millennium. Key speakers included former Defense Secretaries Caspar Weinberger and James Schlesinger, who were joined by five retired four-star flag officers and a range of senior military officials and civilian analysts.

There was a general consensus at the conference that President Clinton's recent line-item veto of three Congressionally-sponsored programs to create advanced space technology for U.S. national security—the KEASAT, Clementine 2, and military spaceplane—was misguided, inappropriate, and unacceptable because it put U.S. national security at unnecessary risk.

The roundtable dealt with a range of issues related to space and built its theme around the growing importance that space plays in ensuring U.S. national security. Secretary Weinberger began the discussion by placing space in the broader context of U.S. national security when he noted, ''since the first ballistic missile rose from the pads, space has had military uses by ourselves, by others, and by those friendly to us and those not friendly to us.'' In reference to the Clinton administration's recent vetoes, the Secretary went on to argue, ''we cannot put the country at risk by deliberate attempts to block us from the use of space or to block any attempts to develop systems that could be helpful to use in space.'' General Edward ''Shy'' Meyer, who served as Army Chief of Staff under President Carter noted that our force structure depends on space for key advantages. Admiral Wesley McDonald, former Supreme Allied Commander, Atlantic, stated, ''I can't impress you enough as to how dependent on use of space the Navy is.'' Retired Air Force General Mike Loh, who led the Air Combat Command, stressed how ''very dependent they [the military services] have become on space assets. It is almost frightening when you then turn around and look at how little we have allowed for the protection and the space superiority of those assets. As I look back over the last couple of years, we have become more and more dependent on [space] and we want to become dependent on it because, for those functions, space is a more efficient medium than the way we did it before. It is less costly in the long run, and it is better. I am all for it, provided we can maintain space superiority.'' In addition, conferees considered matters of procurement and policy, discussing the increasing pace of change in the commercial space markets and the impact that the proliferation of civilian space technologies will have on U.S. national security.

I want to commend the Center for holding the roundtable and encourage my colleagues to review the summary of the Roundtable's proceedings available from the Center for Security Policy at 1250 24th Street, NW, Suite 350, Washington, DC 20037 and on the Center's home page, ''www.security-policy.org.''

TITLE X PARENTAL NOTIFICATION ACT OF 1998

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. MANZULLO. Mr. Speaker, Good morning. I stand before you today to plead the case of a young girl and her parents from Crystal Lake, Illinois, whose lives were changed forever by an intrusive, overbearing federal government.

She was 13 years old when her 37-year-old teacher began having sex with her. A few months into the affair, the teacher—tired of using condoms—brought her to a place where he knew the young girl could get birth control products without anyone finding out: the county health department. This teacher knew that federal Title X rules prohibited clinics from notifying parents when issuing birth control drugs to minors.

When the young girl arrived at the health department, the clinic nurse gave her a shot of a powerful birth control drug that would last three months. This hormonal drug, Depo-Provera, poses severe side effects including excessive bleeding and bone loss. In fact, the ACLU protested its use in chemically castrating male sex offenders in California because of the ''cruel and unusual punishment'' the side effects constitute to the criminals. But yet, it is safe and appropriate for little girls. And its use is widespread. In Illinois alone, health clinics injected Depo-Provera into the veins of young girls more than 6,500 times over a two-year period, despite the minimal testing of the drug on adolescents.

The little girl from Crystal Lake received at least two more shots of Depo-Provera from the county health clinic. And her teacher continued molesting her—all behind her parents' backs. The crime was finally uncovered 18 months later when the girl broke down and told her parents. The teacher was arrested and sentenced to 10 years in prison. The young girl spent five days a week in therapy and is recovering from effects of anorexia nervosa.

I told this little girl's story to the United States Congress last year when Congressman ISTOOK and I were trying to attach a parental notification amendment to the Title X program. I spoke of how her pain continued because the federal government had rules in place which shielded the teacher's crime. I spoke of how irate and helpless her parents felt when they learned that the federal government had cut them out of the discussion of their young daughter's sexuality. But in the end, parents lost again. The House's 220–201 vote for a toothless, alternative bill killed the Istook-Manzullo amendment and sent another message that parents are irrelevant in our society.

Shortly after our loss last September, I vowed to continue this battle to bring sanity and parental responsibility to this flawed program. And today, I come before you to announce that I have introduced two free-standing bills to give parents more protection and knowledge when their children seek birth control drugs from federally funded clinics.

The ''Title X Parental Notification Act of 1998'' would require clinics receiving Title X money to notify parents or legal guardians before providing minors with prescriptive birth control products, including birth control pills, IUDs, Norplant and Depo-Provera. The clinic would have to give actual written notice to parents or guardians at least five days before issuing the drugs to the girls. In addition, the bill would require the clinics to follow any state mandated criminal reporting requirements for signs of child abuse, child molestation, sexual abuse, rape or incest in their clients.

The second bill, known as the ''Title X Child Abuse, Rape, Molestation and Incest Reporting Act,'' deals solely with the provision requiring Title X clinics to follow any state reporting requirements.

Any clinic that violates the provisions in either of the bills would lose its Title X funding.

The general argument for providing young girls with birth control products behind their parents' backs is cloaked in double standards. On one hand, we make laws to protect children from the dangers of drugs, alcohol and tobacco. But then we open them to the dangers of AIDS and other diseases by giving them the tools to have sex. We make laws requiring children to get their parents' permission for an aspirin at school, an earring or a tattoo. But then we give them confidential injections of powerful birth control drugs that carry tremendous side effects. We make laws saying parents are legally responsible for their childrens' actions until the children become adults. But then we rip parents from the equation when it comes to something as critical and potentially dangerous as sexuality. This doesn't make sense.

In addition to notifying parents, clinic workers must get more vigilant in protecting our

children and reporting cases of child molestation. According to my amendment, clinic workers who have any suspicions that a patient is being physically or sexually abused would have to follow the state's procedures for reporting those suspicions to police. This is especially critical considering that young girls are having sex with older and older men, according to an Alan Guttmacher Institute study. In fact, the study shows that half of the babies born to mothers between 15 and 17 years old were fathered by men 20 years or older. That is statutory rape, and that should be reported and prosecuted.

These are very straightforward, simple pieces of legislation that I bring before you today. They demand the answer to one question: Who is in charge of raising our children, parents or the United States Congress? I still have faith in the parents of our great country. They deserve a chance. The parents of a traumatized little girl in Crystal Lake, Illinois deserved a chance. Thank you.

TRIBUTE TO JOHN STOEPLER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Ms. KAPTUR. Mr. Speaker, I rise to pay tribute to a remarkably able man dedicated to his family, his church, and his lifelong love of the profession of law. John Stoepler, professor of law, former Dean of The University of Toledo Law School, and interim President of the University, put the justice and betterment of others above all else. He died on January 19, 1998, at 66 years of age.

In his early years, John attended school in Toledo, Ohio and then his high intelligence led him to the University of Notre Dame, where he took his first degree. He never forgot his roots, though, and after serving in the army and obtaining a master's degree in law from Yale, he came back to Toledo to teach and raise his family.

His classes at the local university were the first to fill up because the students knew that John really wanted them to succeed. He greeted the challenge of teaching with energy and enthusiasm that was always evident. As former student Tom Pletz remembers, John welcomed each day of teaching with ''a twinkle in his eye.''

The zest that John brought to his teaching was also found in the work he did for his church as parish operations manager. His love of education and respect for people of faith were combined when he sat on the education council of the Roman Catholic Diocese of Toledo, an organization which oversees area Catholic schools.

His commitment to education did not go unnoticed; he quickly ascended through the ranks at the university's law school, becoming dean in 1983 and interim university president in 1988. He played an integral role in the expansion of the school both academically and strategically as the ground was broken for a new facility on its own corner of campus. He also became a member of the Ohio Supreme Court's commission on continuing legal education and of the national education development committee of the American Institute of Planners.

Though he dabbled in politics as an extension of his respect for the lawmaking process, his own political campaigns were not successful. He was, however, appointed to many government positions in the city, county and state, and served the community with dignity and sagacity from those posts.

Long time friend Rev. Robert Kirtland said that John thought of the ideal lawyer ''as a person of integrity.'' That certainly describes him and earned for him the deepest respect, from a community that will never forget him.

Our thoughts are with his wife, Katherine; sons, John and Michael; daughter Charlotte; his brother and sister, Robert and Anne; and all of his grandchildren. It is our hope that they will be comforted by the prayers of a community bettered by his idealism, and a nation regirded in its fundamental precept of justice through law.

PAYING TRIBUTE TO A FALLEN PILOT

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. HINCHEY. Mr. Speaker, I would like to ask my colleagues to join me in paying tribute to the late Lt. Col. Henry Van Winkle, U.S.M.C., who was killed last Friday, February 6, 1998.

On Friday evening Lt. Col. Van Winkle, according to the United States Marine Corps, was returning from a mission patrolling the no fly zone above Kuwait when his F–18 collided with another Marine jet. He was pronounced dead upon the USS George Washington a short time later.

Lt. Col. Van Winkle served as a member of the Marine Corps for just under twenty years. This 1974 graduate of Susquehanna Valley High School in Conklin, New York served his country with distinction. He lived as a Marine and he died serving his country.

I ask that you join me in expressing our deepest sympathies to Lt. Col. Van Winkle's widow, Cheryl, to his sons Griffen, age nine, and Grant, age three, and to his mother and brothers during this dark time. We, as citizens grateful for the service of Lt. Colonel Henry Van Winkle, U.S.M.C., join his family in mourning his passing.

RECOGNIZING THE CUYAHOGA COUNTY BAR ASSOCIATION PUBLIC SERVANT MERIT AWARD WINNERS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. STOKES. Mr. Speaker, I rise today to salute eight outstanding individuals who will be honored later this month at a special ceremony. On February 20, 1998, the Cuyahoga County Bar Foundation and the Cuyahoga County Bar Association will host the 51st Public Servants Merit Awards Luncheon. At the luncheon, the honorees will receive the Franklin A. Polk Public Servants Merit Award. The individuals to be honored are: John A. Baird; Janet R. Dean; Angelo Lupo; Kathleen A. Moloney; Mary Ann Murray; Charles E. Sprague; James L. Toth; and Thomas F. Washington. The Public Servants Merit Award is named in honor of a distinguished lawyer, the late Franklin A. Polk. During his career, Attorney Polk was committed to recognizing the contributions of public servants. He also chaired the annual awards luncheon for 40 years.

I take great pride in saluting the 1998 Public Servants Merit Awards recipients. Each of the individuals is more than deserving of this level of recognition. At this time, I want to share with my colleagues and the nation some information regarding the honorees.***HD***John A. Baird

John Baird was born in Cleveland and graduated from Benedectine High School and Fenn College/Cleveland State University. He has enjoyed a distinguished career with the Cleveland Municipal Court which spans 21 years. He currently serves as Chief Deputy Clerk where he is responsible for the processing and servicing of garnishments, as well as assisting attorneys and the public by providing information on post-judgment actions.

Mr. Baird has been an active participant in the Boy Scouts of America for over 50 years as a Scout Unit Leader, Commissioner, and Merit Badge Counselor. He is an active member of Our Lady of Good Counsel, devoting his time to the youth ministry, religious education, and the Holy Name Society, just to name a few. He and his wife, Sandy, are the proud parents of three children: Michael, Edward and Jennifer.***HD***Janet R. Dean

Janet R. Dean was born in Cleveland and presently resides in North Ridgeville. She joined the staff of the Cleveland Court of Common Pleas in 1977 as a judges secretary. She is currently judicial secretary for Judge James D. Sweeney, Chief Justice of the Court of Appeals. Mrs. Dean is a graduate of West Tech High School. She is also an active member at Bosworth Presbyterian Church where she sang in the adult choir for 37 years.

Mrs. Dean suffered the loss of her husband, Casper, just prior to their 43rd wedding anniversary. He would have been proud to witness the upcoming awards ceremony honoring Mrs. Dean, an outstanding court employee. In her spare time, Mrs. Dean enjoys music and working on her many photo albums. She is the mother of five children; Mark, Randy, Paul, Brad and Suzanne.***HD***Angelo R. Lupo

Mr. Speaker, when the Cuyahoga County Bar Foundation and the Cuyahoga County Bar Association hold the Public Servants Awards Luncheon, Mr. Angelo R. Lupo will be among the honorees. Mr. Lupo is a resident of Rocky River, Ohio. He was born in Chicago, Illinois, and graduated from Southern Illinois University. Prior to coming to Cleveland, he was employed with the Puerto Rican Economic Development Corporation as a VISTA volunteer.

In 1975, Mr. Lupo joined the Court of Common Pleas. Currently, he serves as Bailiff to John Burt Griffin whose his duties include assisting with the management of civil and criminal documents. Mr. Lupo is single and enjoys listening to music in his spare time.***HD***Kathleen Ann Moloney

Born in Cleveland, Ms. Moloney presently resides in Westlake, Ohio. She attended St.

Williams Elementary School, and Lake Catholic High School in Mentor. Prior to taking her position at Cuyahoga County Domestic Relations Court, she worked part-time at the Giovanni's Pizza Shop. Nominated by Judge Timothy Flanagan, Ms. Moloney has been employed in the court system since 1978. Currently, she serves as Payroll Officer at Domestic Relations Court where she processes payroll and benefits for approximately 105 employees. Ms. Moloney lists playing golf and spending time with her nieces and nephews as her favorite hobbies.***HD***Mary Ann Murray

Mary Murray is employed by the Cuyahoga County Probate Court as Supervisor and Deputy Clerk. She has been employed by the court system since 1967. Her responsibilities include ensuring that journal entries are properly typed, numbered and microfilmed. She was nominated by Judge John J. Donnelly.

Mrs. Murray attended St. Casimir Notre Dame Academy and graduated from St. Francis High School. She and her husband, James Edward, are the parents of James Murray, Jr., and the proud grandparents of Jimmy, Angelina and Al. Mrs. Murray's hobbies include line dancing, horseback riding, bowling and roller skating. She also loves the outdoors and plans to live on a farm someday.***HD***Charles E. Sprague

Charles Sprague was born in Bellow Falls, Vermont. He attended Brattleboro Union High School and graduated from Allegheny College in Meadville, Pennsylvania. He also attended Cleveland Marshall College of Law, being admitted to the Ohio Bar in 1982.

During his long and distinguished career in the court system, Mr. Sprague has held a number of positions. The positions include process server, probation officer, intake officer and bailiff. Currently he serves as Magistrate, where he is responsible for the Traffic Department at Juvenile Court. He also works as an Intake Referee at the Court's detention center.

One of Mr. Sprague's most outstanding accomplishments was securing funding to start Second Helping, a county-wide food collection program which is now known as Northcoast Food Rescue. He also initiated a food program within the court, ''Food for Fines,'' which allows juveniles to pay their offenses by donating food to area hunger centers. Mr. Sprague and his wife, Rosanna, are the proud parents of Sarah. His hobbies include serving as a Cross Country Coach and Assistant Track Coach at Regina High School.***HD***James Leonard Toth

James Toth is a lifelong resident of Cleveland, Ohio. For the past 20 years, Mr. Toth has held the position of Costs Clerk in the Criminal Division, Office of the Clerk of Courts. In addition to his cost accounting duties, he provides assistance with regard to criminal bonds and filing of pleadings. Prior to his current position, Mr. Toth was a member of the Armed Forces, where he received the Good Conduct Medal before being honorably discharged. His employment also includes Arter & Hadden as a docket clerk, and was an employee of the Clerk of Courts in the foreclosure department.

Mr. Toth and his wife, Theresa are the parents of three children; Joann, Anthony and Michael. He is active in several organizations including S.S. Peter and Paul Church, the Garfield Heights Little League, the American Legion, and the Benedictine High School Mom & Dads Club. He also enjoys model trains and baseball.***HD***Thomas F. Washington

Born in Cleveland, Thomas Washington graduated from Benedictine High School and Ohio University. Mr. Washington is employed in the Probation Department where he supervises six officers and is responsible for the oversight and guidance of their duties. Prior to his employment with the Municipal Court, Mr. Washington served as a Probation Officer in the Juvenile Court. He has also had experience as a high school English teacher.

Mr. Washington and his wife, Lugenia, reside in Cleveland, Ohio. He is the step-father of Robert. He is a former Assistant Basketball Coach. He also participated in Catholic Big Brothers for a number of years. In his spare time, Mr. Washington, enjoys fishing and pocket billiards.

Mr. Speaker, I am especially proud to recognize the 1998 Public Servants Merit Award honorees. I join the members of the Cuyahoga County Bar Foundation and the Cuyahoga County Bar Association in congratulating each of the honorees for their commitment and dedication. It is both recognized and appreciated.

REX THATCHER: PUBLISHER, LEADER, GENTLEMAN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. BARCIA. Mr. Speaker, our lives are influenced by many factors. Few equal the daily and life-long power that is provided by our newspapers. And the ability of a newspaper to sway, to promote meaningful dialogue, and to keep us informed of matters of local, national, and international significance is directly related to the individual at the helm of a ship that usually has diverse and sometimes conflicting purposes. Those of us who have been fortunate enough to read the Saginaw News have since 1990 benefitted from the skilled, impartial direction of its publisher, Rex Thatcher, who is about to retire from a stellar career of keeping the public informed.

For nearly thirty-five years, Rex Thatcher has motivated the people of Michigan, starting at the Jackson Citizen Patriot, where he was heavily involved in advertising and marketing efforts. He then came to the Bay City Times as manager in 1973, and then served as publisher from 1983 to 1990 when he became publisher of the Saginaw News.

Throughout his career, he has not just observed what was happening in the community, he directly participated in a number of memorable projects. He was a key leader in efforts to revitalize the Bay City downtown area. In Saginaw, he is a founding member of the Bridge Center for Racial Harmony. He has continued his personal interest in community development with the Saginaw Valley Economic Forum. Rex has also provided strong leadership for our young people, especially with his efforts for youths at risk.

His membership on the board of Directors of the Michigan Press Association extends his influence on journalistic standards throughout the state. His position on the selection committee of the Michigan Journalism Hall of Fame helps to ensure that responsible and credible reporting will be recognized by his professional peers.

It has been my personal pleasure to know Rex Thatcher, and his wonderful wife of forty six years, Yvonne. The importance that Rex places on his family, including his grandchildren, is a key demonstration of an individual who not only endorses a style of life, but actually pursues it.

Rex Thatcher has been appropriately generous in his praise of the fine men and women who are part of the Saginaw News family. We all expect that his influence will continue to show in their work. Perhaps he will now have the time to pursue his love for the outdoors, especially fly fishing, and greater opportunities to let his grandchildren know just how special their grandfather is. Mr. Speaker, I urge you and all of our colleagues to join me in wishing Rex Thatcher the very best in his retirement.

CHINA AND CHARLIE TRIE'S RECORDS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. SOLOMON. Mr. Speaker, I don't like being played for a sucker, and I don't like my country being played for one, either.

Well, Mr. Speaker, that's what China's been doing to us for years, taking our money and enjoying privileges that should be limited to civilized states, all the while sabotaging our economy, meddling in our politics, and arming nations that hate us.

Monday's headline in the Washington Times was the last straw, Mr. Speaker. It reads ''China won't release Trie's bank records.'' And we all know who Charlie Trie is, don't we, Mr. Speaker? He was a bag man for the DNC/Clinton-Gore Campaign. And what better place to hide from American justice than China, which has been stiffing our investigators from the beginning. China claims that the records our investigators seek belong to the government, and that releasing them would violate Chinese law. Baloney! Since when has China ever shown such a high regard for the rule of law? China doesn't want to release those documents because they would show the extent to which they tried to influence American elections, with the likely complicity of the White House. And that, Mr. Speaker, is what really bothers me even more than the other scandals now dominating the headlines.

This, Mr. Speaker, is what we get for our multi-billion dollar generosity with China, and our willingness to grant her Most Favored Nation trading status.

I call upon China to turn those documents over to our investigators, and to do so now. This is one member who won't forget any failure to do so when MFN comes back to us for consideration next summer.

Mr. Speaker, I would urge all members to keep the Times article handy until next MFN vote, and with that in mind I place the article in today's RECORD.

[From the Washington Times]

CHINA WON'T RELEASE TRIE'S BANK RECORDS—HOUSE INVESTIGATORS CAN'T GET ACCESS

(By Jerry Seper)

The Chinese government, which blocked congressional investigators from traveling to Hong Kong and Beijing to probe campaign-finance abuses during the 1996 election, has refused to release records from two Chinese banks targeted in the ongoing investigion.

Investigators, according to House sources, want to look at financial transactions at Bank of China branch offices in Macao and Hong Kong involving Democratic fund-raiser Charles Yah Lin Trie and Ng Lap Seng, a Macao real estate and casino tycoon also known as Mr. Wu, who visited the White House 12 times, including a dinner with President Clinton sponsored by the Democratic National Committee.

The banks, however, refused to release the documents, saying that they were owned by the Chinese government and that releasing them would violate Chinese law.

Last week, four investigators for the House Government Reform and Oversight Committee were scheduled to leave for China but were blocked by Chinese Embassy officials in Washington who rejected their visa applications. The denial prompted Rep. Dan Burton, Indiana Republican and the committee's chairman, to ask Secretary of State Madeleine K. Albright to intervene in the matter.

In a letter to the committee, the bank's U.S. attorney, Christopher Brady, said that since the financial institution in owned by the Chinese government, it is ''deemed to be a foreign state'' under international law. Accordingly, he said, the bank is ''immune from U.S. jurisdiction''—including any responsibility to respond to subpoenas issued it by the committee.

''While the bank would like to try to help your committee as far as practicable, it does not believe that this extends to violating the laws of the jurisdiction where the documents are located,'' Mr. Brady wrote.

The New York lawyer said in an interview that while he was not aware of what the committee planned to do about the bank's refusal, he said the position ''has support in the law.''

Committee investigators were described by the sources as ''frustrated'' in their attempts to pursue accusations that the Chinese government sought to influence the U.S. political process during the 1996 presidential election.

Embassy spokesman Yu Shuning said China ''has nothing whatsoever to do with the political contributions'' in the United States.

Mr. Burton, the sources said, is expected to appeal directly to the Chinese Embassy for an exception to allow the banks to respond to the subpoenas. Failing that, they said, he will ask the Justice Department to seek a waiver from Mr. Trie to obtain his records directly from the bank.

Mr. Trie and a business associate, Antonio Pan, face trial Oct. 7 on 15 counts of obstruction of justice, conspiracy and wire fraud.

The indictment says Mr. Trie and Mr. Pan illegally diverted money to the DNC through ''straw donors,'' who were then secretly reimbursed in cash by the two men. Mr. Trie also is accused of funneling more than $600,000 to the DNC. The indictment says much of the money came from foreign sources.

Mr. Trie, who fled to China after the probe began, returned to Washington Tuesday. He has pleaded not guilty.

About $1 million was wired from the Bank of China to the joint account of Mr. Trie and Mr. Ng at Riggs Bank here, Senate investigators have said.

Mr. Trie came to public notice in 1996 when Mr. Clinton's legal defense fund announced it was returning $640,000 in donations he had collected. Fund executives said they did not know the source of cash delivered in two envelopes. Donations included checks with signatures that matched those on other checks and money orders numbered sequentially but from different cities.

White House records show that Mr. Trie's campaign activities won him unusual access to top administration officials to promote personal business interests, including 10 dinners, lunches or coffees with Mr. Clinton, four of them at the White House; four events with Vice Presidenti Al Gore, one at the White House; and three White House tours with business associates, along with photos with the president.

Documents show that Mr. Ng visited the White House 12 times, including the dinner with Mr. Clinton. He went six times to see White House aide Mark Middleton, who left the administration in 1995 and is under investigation.

Records also show that on Feb. 6, 1996, Mr. Ng took a tour of the White House with seven other Asian visitors, including Wang Jun, a reputed arms dealer for the Chinese government who Mr. Clinton later acknowledged never should have been granted access.

1998 CONGRESSIONAL OBSERVANCE OF BLACK HISTORY MONTH

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. COSTELLO. Mr. Speaker, I am grateful for the opportunity to celebrate Black History Month with my esteemed colleagues today.

Black History Month marks a time in which we may all formally revisit the vast contributions and achievements of African-Americans to our country's rich history. Indeed, the legacy of the founder of Black History Month, Dr. Carter G. Woodson, is that of a poor man, who triumphed over adversity to earn a doctorate from Harvard and devote his life to teaching and recording the history of African-American life.

I would like to use this occasion to highlight two figures from my district in Illinois, whose personal talents and accomplishments have been matched by their dedication to aiding their communities.

Katherine Dunham was born in the beginning of the 20th century. She quickly established herself as a woman of enormous integrity and passion, for the humanities and social causes, which held such salience for her. She enjoyed a prominent place in the performing arts world as a choreographer combining Caribbean dances, traditional ballet, and African-American rhythms to create a dance known as the Dunham technique. Dunham's reputation as an accomplished dancer earned her engagements to dance in over 55 countries.

Dunham was unsatisfied, though, simply with the respect she had gained as a performer; Throughout the later part of her life, Dunham became engrossed in finding avenues to help others. In the arts field, she developed a school called the Performing Arts Training Center in East St. Louis. This school offered African Americans the opportunity to become involved in the arts and learn about African cultural history. Recently, in the early 1990's, Dunham has also become a strong advocate for the welfare of the Haitian people.

Another public figure from my district has also challenged herself to find ways to act on her principles and leave a legacy of aid to her community. Jackie Joyner-Kersee, is an Olympic Champion who continues to make history with her remarkable athletic achievements. Nevertheless, it is her current work that has fueled her pride that she is actively giving back to communities across America.

In 1989, Joyner-Kersee founded the JJK Foundation which provides grants for leadership training for individuals in urban cities. One of her chief goals is to eventually provide a Youth Center to her home town community of East St. Louis, Illinois. She says she hopes to show that while:

There is discrimination. I know there is racism. There are things we don't have control over. But we do have control over our dreams and goals.

I hope we will all take time this month and throughout the year to recognize the many diverse contributions of African-Americans to our Nation's history. In so many ways, the qualities that all Americans hold dear such as strength, perseverance, ambition and integrity are evident in the lives of those African-Americans, and illustrate W.E.B. Dubois' belief that ''The guiding of thought: and the deft coordination of deed is at once the path of honor and humanity.''

THE 1999 BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 11, 1998 into the CONGRESSIONAL RECORD.

THE PRESIDENT'S 1999 BUDGET

Last week President Clinton submitted to Congress his 368-page 1999 budget. In it he proposes to balance the federal budget next year—four years ahead of the target set in last year's historic budget agreement. If successful, the budget would be balanced for the first time in thirty years.

The annual budget is the most important government document. It is a plan for how the government spends your money, and a plan for how the government pays for its activities. It affects the nation's economy, and it is affected by that economy. If the economy is doing well, people earn more, unemployment is down, revenues increase, and the deficit shrinks. The President's budget is typically a master plan to focus the nation's attention on a President's priorities.

A few years ago it was nearly impossible to think that an American president would submit a balanced budget this soon. It marks an end to decades of deficits that have paralyzed our politics, shackled the economy, and held the American people back. A balanced budget would mark the beginning of a new era of opportunity for Americans.

The President projects revenues of $1.74 trillion, spending of 1.73 trillion, and a surplus of $10 billion. For each tax dollar taken in the President would spend 53 cents on benefits such as Social Security and Medicare,

15 cents on defense, and 16 cents on other domestic programs (education, transportation, law enforcement, etc.). International programs take 1 cent, and interest on the debt consumes 14 cents. The President would reserve 1 cent of each dollar for Social Security reforms, reducing the publicly-held federal debt in the process.

The economic assumptions used by the President seem sound. The President estimates that the economy will slow from 3.7% growth last year to 2% in 1998 and 1999, and that inflation will remain low. This is reasonable, even conservative, compared to most economists' forecasts. However, a recession would put great strains on the federal budget.

Major Themes: As in past years, the largest spending increases come in Social Security and health benefits. In the remainder of the budget, only research, education, and law enforcement rise faster than inflation. Spending in other areas is cut back to make room for these increases.

The major initiatives of the President's budget include a voluntary expansion of Medicare to persons age 62 to 64, provided they pay for their benefits; reducing elementary school class size with 100,000 new teachers; expanding child care tax credits for employers and families; and tax credits and research funding to reduce and protect against global warming.

Research: The President proposes unprecedented increases in research funding for science and technology. The budget requests almost $80 billion for military and civilian research programs combined. The National Institute of Health, the Department of Energy, and the National Science Foundation have sizable increases in their budgets for medical research, energy efficiency, climate studies, and science education. I support investment in research as an investment in future economic growth.

Social Security: The President proposes to ''Save Social Security first'' by placing any budget surpluses in a reserve to help reform Social Security. I agree that Social Security should take priority over calls to finance additional spending or tax cuts. I do not think we should squander a surplus that has yet to appear when we have a large national debt and long-term problems with Social Security.

There will be a heated discussion in Congress about the use of possible budget surpluses. Reducing the debt and protecting Social Security would reduce interest payments and raise private investment in the economy. The President's plan puts an obstacle in the way of others who want to give away the surpluses in a sweeping tax cut.

Tobacco: The President proposes to take $13 billion a year from a proposed tobacco settlement to fund a number of education and health initiatives. The exact source of funds in a settlement is not clear—the original settlement suggested that tobacco companies pay the government large yearly sums, but others have proposed a substantial increase in cigarette taxes. These revenues are highly speculative and uncertain because payment would only come from an overall settlement approved by Congress. If the tobacco settlement does not come through the President has indicated he will find other sources to support his domestic initiatives, or will drop them all together. This adds pressure to approve a settlement.

Next Steps: Congress will begin work on the budget as the House and Senate budget committees form a template budget resolution to lay the groundwork for additional congressional action. Congress will vote on the budget resolution in late spring, and the detailed spending and tax bills will be finalized over the summer. A final budget reconciliation bill is supposed to be completed by the end of the fiscal year September 30. If Congress and the President fail to work out their differences by this date, they must pass a ''continuing resolution'' or see the government shut down.

Conclusion: The President's budget is artfully crafted. It carefully balances increases in popular programs with fiscal discipline elsewhere. The booming economy, aided by tough deficit reduction packages in 1993 and 1997, has enabled the President to make a strong statement of policy and politics. The opponents of the President's budget have not rejected his proposals out of hand. They offer alternatives to meet the nation's problems, such as school vouchers, larger tax credits, business incentives, and other devices. Although there is some sweeping rhetoric about differences with the President, there is strong bipartisan support for action on child care, education, and tobacco. The stage has been set for a dynamic and important debate about the future of the country.

STATEMENT OF THE HONORABLE PETE SESSIONS, THE HONORABLE DICK ARMEY, THE HONORABLE JOE BARTON, THE HONORABLE MARTIN FROST, THE HONORABLE KAY GRANGER, THE HONORABLE SAM JOHNSON, AND THE HONORABLE EDDIE BERNICE JOHNSON TO ENCOURAGE THE DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY TO DESIGNATE NORTH TEXAS A HIGH INTENSITY DRUG TRAFFICKING AREA

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. SESSIONS. Mr. Speaker, my colleagues Congressman RICHARD ARMEY, Congressman JOE BARTON, Congressman SAM JOHNSON, Congresswoman EDDIE BERNICE JOHNSON, Congresswoman KAY GRANGER, and I wish to inform other members of the House of Representatives about a situation in the greater Dallas/Fort Worth metropolitan area which demands our attention.

Drug abuse and illegal drug trafficking are a major problem in the Dallas/Fort Worth area, as they are in all other parts of the country. However, there is evidence that points to the establishment of the area as a major transshipment point for major drug trafficking operations. For instance, major Colombian and Mexican drug trafficking organizations have established significant transshipment operations in the Dallas/Fort Worth metropolitan area.

Law enforcement agencies in North Texas have reported dramatic increases in the importation, transportation, and distribution of heroin, methamphetamine, cocaine, and marijuana. And the increased drug trafficking active in the area has become a breeding ground for the proliferation of street gangs and related violent crime.

But, Mr. Speaker, despite the powerful statistics, what brings these problems home to us is the deaths of children recently in and around Plano, Texas. As the Dallas Morning News wrote in a recent editorial, ''At least a dozen young people from the Plano area have died from heroin-related overdoses since 1996.'' Just this week, we lost 17-year-old Natacha Marie Campbell to a heroine and cocaine overdose. This just adds a tragic, human dimension to our fight against illegal drugs.

Although the law enforcement community has obtained significant convictions and sentences against major drug traffickers, the increased drug activity in North Texas is overwhelming current law enforcement resources. We urge the Director of the Office of National Drug Control Policy to commit the necessary resources to the fights against drugs in the Dallas/Fort Worth area by making North Texas a High Intensity Drug Trafficking area. This crucial designation will mean greater resources or and coordination among area law enforcement agencies. It will help the parents in the Dallas/Fort Worth area take control of this problem.

Mr. Speaker, I would like to submit for the record a resolution recently passed by the Greater Dallas Crime Commission which makes similar points, and urges the Director of the Office of National Drug Control Policy to designate North Texas a High Intensity Drug Trafficking Area.

GREATER DALLAS CRIME COMMISSION RESOLUTION

Whereas: Major Colombian and Mexican drug trafficking organizations have established significant transshipment operations in the Dallas/Fort Worth metropolitan area (the ''Metroplex'') and North Texas generally since the early 1990's; and

Whereas: Law enforcement agencies in North Texas have reported dramatic increases in the importation, transportation and distribution of heroin, methamphetamines, cocaine, and marijuana into the area since the early 1990's; and

Whereas: Law enforcement seizures of heroin in North Texas have increased by more than 500% in recent years, and the purity of the heroin on North Texas streets has increased dramatically and lethally; and

Whereas: The increased drug trafficking active in the area has become a breeding ground for the proliferation of street gangs and related violent crimes including theft, robbery, prostitution, assault and murder; and

Whereas: The impact of the increased drug activity in North Texas has resulted in an increase of drug overdose deaths in the area, with most of the victims being teenagers or younger; and

Whereas: Although the law enforcement community has obtained significant convictions and sentences against major drug traffickers, the increased drug activity in North Texas is overwhelming current law enforcement resources; and

Whereas: Designation of North Texas a High Intensity Drug Trafficking Area by the Director of the Office of National Drug Control Policy will mean greater resources for and coordination among area law enforcement agencies to combat drug trafficking organizations; and

Now therefore, the Greater Dallas Crime Commission urges the designation of North Texas as a High Intensity Drug Trafficking Area.

In Witness Whereof This Twenty-second Day of January, 1998.

CULLEN M. GODFREY,
Chairman.
NICKIE MURCHISON,
Executive Director.

TRIBUTE TO SGT. HERMAN SMITH: WE WILL NEVER FORGET

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. ROGERS. Mr. Speaker, on February 20, 1998, Sgt. Herman Smith of Williamsburg, Kentucky, and nine other World War II crewmen of the B–24H ''Liberator,'' serial number 42–95064, will be buried with full military honors at Arlington National Cemetery.

This ceremony is a long-overdue recognition of the honor, bravery and devotion displayed by ten World War II servicemen who lost their lives nearly 54 years ago when their plane crashed in northeastern Brazil on April 11, 1944.

At 9:05 a.m. on that fateful day, 42–95064's pilot requested weather information. That was the last word from 42–95064 and her crew.

Today, no one quite knows where the crew of 42–95064 was heading, what their mission was, or why the plane went down. For 51 years, no one even knew where the plane and her crew were. Sgt. Herman Smith's mother passed on without ever knowing what happened to her boy. Like thousands of other mothers, fathers, wives, sons and daughters whose loved ones were listed as missing in action, Mrs. Smith lived her life with an empty place in her heart, never knowing the fate of her son.

Although Herman Smith and thousands of other American servicemen have been listed as missing, they have never been forgotten. Over the years, we have continued efforts to discover the fate of American service members lost during times of war. And, with the help of the Army Central Identification Laboratory in Hawaii, hundreds of missing servicemen have been identified, providing their families with peace of mind and final resolution.

That is the story of the long-lost crew of 42–95064. During the 1990s, reports started coming back of plane wreckage in an uninhabited, isolated area of the Amazon jungle. After a 1994 search party failed to find the site, officials finally confirmed the plane's location. On Independence Day 1995, a 15-man team from the U.S. Army Central Identification Laboratory arrived in Brazil to begin the arduous process of bringing our boys back home.

Next week, the 10 crew members of 42–95064 will be placed in their resting place after 54 long years. Phyllis Bowling of Williamsburg, a first cousin of Sgt. Herman Smith and his closest living relative, will attend the service. For the people of Williamsburg, Kentucky, this service means that one more man, whose name has been forever captured on the VFW Post 3167's memorial commemorating those killed from Whitley County during the Great War, will finally receive the military honors he deserves.

Every day, men and women from counties all across our nation volunteer, like Herman Smith did, for one of the most important jobs America has to offer—military service in the United States Armed Forces. These men and women have so much faith, honor, love and respect for this nation that they are prepared to sacrifice their lives in order to preserve and protect the United States and all that she stands for.

In turn, we must remain committed to them. We must support our service personnel in times of war and times of peace. We must help their loved ones cope with the demands and stress placed upon them as military families. We must honor them after they return from service, and if they don't return, we must be dogged in our pursuit to bring them home. But, most important, we must never forget the sacrifices they have made.

We should remember, because every man and woman who has served in this nation's armed forces has helped secure the peace that we enjoy today. In times of peace and war, American's military personnel have been a beacon of hope in the darkness of conflict. They answered the call of service, prepared to make the ultimate sacrifice in the line of duty. The next generation must know about the courage, honor and strength of the men and women who gave their lives for us. Our service members must know that we will never forget.

Mr. Speaker, so everyone will remember the story of the men on B–24H ''Liberator,'' serial number 42–95064, I ask that a newspaper article appearing in the Whitley Republican-News Journal in Williamsburg, Kentucky, be printed here, for everyone to read.

May God bless all the men and women who serve in America's Armed Forces, and may God bless the United States of America.

[From the News Journal—February 4, 1998]

LOCAL MAN WAS BALL TURRET GUNNER ON LONG-LOST WWII B–24H BOMBER

Somewhere in some foreign field, The gunner sleeps tonight . . .
But we cannot write off his final scene—Hold onto the dream . . .
''The Gunner's Dream,'' Pink Floyd, 1982

(By Philip A. Todd)

Like thousands of his fellow World War II servicemen, a Williamsburg man listed as missing in action (MIA) for over a half century will never come home.

However, after making the ultimate sacrifice for their country, Sgt. Herman Smith and the nine other crewmen on his B–24H bomber will finally receive the remembrance they earned with their lives.

The remains of the ten Army Air Corps aviators, who died on April 11, 1944 when their plane crashed in northeastern Brazil, will be buried Feb. 20 with full military honors in Arlington National Cemetery, official sources said.

Sadly, this recognition comes much too late for most of those who waited in vain for news of their loved ones—while for 51 years, the bomber's crash site remained lost, hidden in a dense and uninhabited region of the Amazon jungle.

Smith's mother, Martha E. Smith of Cumberland Ave., Williamsburg, apparently died years ago; and now, no one at Veterans of Foreign Wars Post 3167 seems to remember him.

His name appears on the VFW's memorial outside the courthouse, along with the other Whitley County men listed and killed during the Great War. Other than that, there has been nothing but silence surrounding Smith, the plane's ball turret gunner, and his crewmates for nearly 54 years.

DO YOU READ ME, 42–95064?

As the Allied war effort in Europe escalated towards the ''longest day''—the actual invasion of Hitler's ''Fortress Europe'' on D-Day, June 6, 1944—America and her allies mounted heavy bombing raids throughout Axis-held Europe, North Africa and Italy.

Daily aircraft losses reaching 50 percent in some raids meant new, replacement planes moved in a steady stream from American factories to the front.

Secrecy concerns kept security so tight that even the very crews flying these replacement aircraft didn't know where they were going; and after a half-century, memories have dimmed and files have disappeared—so no one may ever know the complete story of Smith and the men on B–24H ''Liberator,'' serial no. 42–95064.

Exact details remain a mystery; however, Smith's aircraft was apparently headed for duty in Europe by way of a series of refueling stops leading from the U.S. to Africa by way of South America when it crashed in the Brazilian jungle.

This ferry route enabled new planes to replace lost combat aircraft in a matter of a few days, instead of the weeks it would take to ship them across the Atlantic Ocean.

After probably flying from Colorado Springs to Florida and then south to Trinidad, Smith's B–24H reportedly left Trinidad's Waller Field at 6:09 a.m. April 11, 1944, enroute to Belém, Brazil.

Around 9:05, about an hour from Belém, 42-95064's pilot, 2nd Lt. Edward J. Bares, reportedly requested weather information.

A ground station in Brazil responded with a report, but heard nothing further from the plane.

Nothing further was ever to be heard from 42-95064.

LOST BUT NOT FORGOTTEN

''We were on the same route, departing probably the 16th of April,'' remembers R.F. ''Dick'' Gelvin, a B–24 navigator whose aircraft took the same route to the front only days later.

''I don't remember them telling us about having lost an airplane in the previous week.''

''I do recall them telling we navigators, we would have enough fuel that we could follow the (South American) coast if we wanted to do so, but that over the (Brazilian) jungle would be closer,'' he said.

''After a crew discussion, we opted to take the 'great circle' (globe-line) route, over the jungle.''

Apparently 42-95064's navigator, 1st Lt. Floyd D. Kyte Jr., took the same shortcut to Belém, but the plane crashed some 250 miles short of that Brazilian port city.

Authorities have never issued an official explanation for the crash.

The aircraft remained lost until the 1990s, when a group of gold prospectors reportedly stumbled across it.

A joint expedition by the Força Aérea Brasileira (FAB, Brazil's air force), and the U.S. Army located the crash site and recovered the crew's remains in July 1995.

''They told me that the place was 150 miles off course,'' said James K. Leitch, whose brother, Staff Sgt. John E. Leitch, was 42-95064's flight engineer.

James Leitch, also a World War II veteran, said he contacted government officials in 1995 after reading a short news report that the plane had been found.

''They don't know why it went down, but it could have run out of gas.''

''They feel that the whole crew was killed on impact,'' he said.

A HALF-CENTURY'S SILENCE

When 42-95064 and its crew of 10 went down in April 1944, James Leitch was a 19-year-old infantry-man waiting to be shipped to duty in the Pacific.

His company commander called him to the office and told him he needed to go home to Los Angeles.

There, his parents told him his brother was reported missing in action somewhere in the Brazilian jungle.

About a month later, A Brazilian native reportedly told officials he had seen the wreckage of a four-engine plane and six bodies, but the man disappeared before anyone

could verify his story, said Peter Muello, an Associated Press writer in 1995.

Shortly after that initial report, a British man told authorities he had found the plane, and even reported the aircraft's correct identification number, said Muello.

The Leitch family never heard about either of these sightings.

A letter to Leitch's parents from a Brazilian official, dated July 14, 1944, said American authorities were searching ''where the plane is supposed to have made a forced landing.''

Five years later, Leitch's mother contacted a U.S. vice-consul in Belem, who told her that tribes in the area were friendly, and if anything had been found, they would have contacted the Brazilian authorities.

During that same time year (1949), the Los Angeles Times reported that the U.S. Adjutant General's Office issued the statement that ''no evidence has been submitted that any of the crew parachuted to the safety, nor has any indication been received that the men were found by natives.''

''Any that was all we heard,'' said Leitch.

''My mother went to her grave believing her John was still alive, somewhere in the jungle,'' he said.

After these reports, no official statements about 42–95064 were made until 1995, when Brazilian army authorities said their 3rd Jungle Infantry Battalion discovered the wreckage in August 1994 and brought back ''a leather artifact'' that one official said was probably part of a crewmember's flight jacket.

But in December 1994, a joint search party mounted by Brazil's air force and the U.S. Embassy to Brazil failed to find the site.

Finally, officials confirmed the site; and on Independence Day, 1995, a 15-man salvage team from the U.S. Army Central Identification Laboratory arrived in Brazil to join a Brazilian army expedition to travel to the site and recover anything that was left.

''BRING THE BOYS BACK HOME''

When millions of Americans sang along with war-era stars like Vera Lynn and Glenn Miller, hoping that ''We Will Meet Again'' and praying to ''Bring The Boys Back Home,'' few would dream their government and their tax dollars would still be busy trying to do exactly that, more than 50 years later.

Thanks to the ongoing mission of the Army Central Identification Laboratory in Hawaii (CILHI), many missing servicemen—especially from Vietnam—have been positively identified from even the smallest of remains, after a process involving long hours of scientific analysis.

Apparently, that's where 42–95064's crew has been since the summer of 1995, while U.S. Army officials attempted to track down next-of-kin for each man.

An FAB (Brazilian air force) team prepared the site, and assisted the CILHI researchers during a three-week recovery effort in a dense jungle area some 50 miles northeast of the Amazon River city of Macapá, located about 250 miles northwest of the plane's destination, Belém.

Searchers found two sets of ''dog tags'' and numerous bone fragments at the site, said Johnie Webb, a CILHI civilian deputy commander.

''It is, very dense jungle,'' he said, adding that ''all 10 (crewmen) perished in the aircraft.''

Two weeks of digging at the crash site brought nothing, Leitch said officials told him.

''They had dug several meters deep and were starting to lose hope, when suddenly, they started finding bones, rings, necklaces and dog tags with names and ranks written on them,'' said Fernando Allegretti, a spokesman for the Brazilian state of Amapá, where the plane crashed.

One investigator found a wallet, and another found several 1944 dollar bills, he said.

The high-speed impact of the crash meant little was left of the aircraft, and most of it—spread over a wide area and undisturbed for 51 years—will never be recovered, officials said.

After three weeks, the team recovered the remains of all 10 on board.

Officials then held a memorial service for the crew at Macapá, capital city of Amapá.

A short time later, CILHI forensics experts confirmed the remains were, indeed, those of the long-lost crew of 42–95064.

GIVE THEM PEACE

After more than two-and-a-half years of attempting to find surviving relatives of the crew, the U.S. Army has apparently decided against returning the remains to the families.

''I made call after call'' to the authorities, said Leitch after hearing of the plane's discovery in 1995.

''I was told they were going to use a DNA process to identify each man,'' he said.

''We wanted him (John) buried out here in Los Angeles, with my parents.''

Leitch said the family has kept a burial plot for John all these years.

However, last month's announcement of plans for the Feb. 20 group burial in Arlington put an end to each family's own hopes for closure.

Army officials apparently identified Peggy Bowling, a Williamsburg woman who is Smith's first cousin, as Smith's closest living relative.

Bowling and another Whitley County resident are expected to attend the Feb. 20 ceremony.

Leitch said the government is arranging to fly family members to Washington for the event.

The 42–95064's crew included:

2nd Lt. Edward I. Bares, pilot, Chicago; Flight Officer Robert W. Pearman, co-pilot, Miami; Flight Officer Laurel Stevens, bombardier, Monroe, Iowa; 1st Lt. Floyd D. Kyte Jr., navigator, Elmira, N.Y.; Sgt. John Rocasey, nose gunner, El Monte, Cal.; Staff Sgt. John E. Leitch, engineer, Los Angeles; Sgt. Michael Prasol, tail gunner, Northampton, Mass.; Sgt. Herman Smith, ball turret gunner, Williamsburg, Ky,; Sgt. Max C. McGilvrey, upper gunner, Perkins, Okla,; and Staff Sgt. Harry N. Furman, unknown replacement, Dayton Plains, Mich.

Furman, not part of the plane's original crew, replaced the crew's radio operator. Staff Sgt. Abe Shepherd of Ohio, on the fateful flight

''It is likely that the ground crew chief may well have replaced one of the gunners, who would have gone by sea,'' said Kevin Welch, a B–24 veteran.

''Occasionally, some positions were manned by non-crew members,'' said John Jakab, another B–24 veteran.

For example, he said, ''my co-pilot crossed over by ship. My co-pilot for the overseas flight was our unit operations officer.''

Shepherd's fate is not known—and, after all these years, there aren't that many people still around who remember the lost crew of 42–95064.

But some will never forget them.

''I have mixed feelings'' about the upcoming ceremony, said Leitch.

The Leitch brothers, born 17 months apart, ''used to double date'' in their young days in southern California, he said.

''I'm happy that it's coming to a close, but I really miss him. It still bothers me.''

UNABLE TO ATTEND ROLLCALL VOTE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, I regret that due to unforeseen circumstances I was unable to vote on H. Res. 352 (Rollcall No. 12). If I had been present, I would have voted ''Aye''.

TWO YEAR ANNIVERSARY OF THE TELECOMMUNICATIONS ACT OF 1996

HON. SUE MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mrs. MYRICK. Mr. Speaker, I rise today to commend the Federal Communications Commission on their newly demonstrated spirit of cooperation as they continue to implement the Telecommunications Act of 1996.

We are beginning to see the spirit of the new faces on that Commission. There is no question that the new members of the FCC have a lot of work to do—particularly as they work through what their predecessors started in the process which will allow local phone companies into the long distance market.

Until just recently, the 14-point check list, designed to ease the long distance entry process, has been a constant source of confinement for local service providers. They have been forced into the courts to seek refuge. The courts have ruled in favor of the local companies.

After such a long string of slanted rulings, clearly issued in defiance of the will of this Congress, I am pleased to see that the FCC is singing a new tune. I look forward to seeing those new words develop into new actions—actions that will fulfill the 2 year old promise of lower prices and more choices for American consumers.

1998 CONGRESSIONAL OBSERVANCE OF BLACK HISTORY MONTH

SPEECH OF

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. COYNE. Mr. Speaker, I am pleased to join my colleagues in this special order celebrating Black History Month. I would like to express my appreciation to Representatives LOUIS STOKES and MAXINE WATERS for organizing this special order, which provides the Members of the House with an important opportunity to participate in Black History Month.

The United States has officially commemorated Black History Month and its predecessors can be traced back an additional 50 years to 1926, when Dr. Carter G. Woodson, a prominent educator, historian and author, created Negro History Week. Since then, each February has been a time when Americans are called upon to educate themselves about

the contributions that African Americans have made to all aspects of American life and culture—and to consider the complicated role that race and racism have played in our nation's history.

The Association for the Study of Afro-American Life and History, an organization that Dr. Woodson established in 1915 to promote a greater understanding and appreciation of the contributions that African Americans have made to this country, has selected ''African Americans in Business: The Path Toward Empowerment'' as the theme for this year's observance of Black History Month.

This is a most important topic because as many Americans of different racial and ethnic backgrounds have learned, economic power leads to political power. The experiences of many well-known African Americans illustrate how business success can lead to political empowerment.

Paul Cuffe was a seaman and shipowner in Massachusetts during and after the Revolutionary War. He built, commanded, and invested in a number of vessels during his long career. His activity as a black captain of a black crew shattered many widely held perceptions about African Americans. He started out in fishing, but his business ventures slowly expanded to include the coastal trade along the Atlantic coast, international trade, and whaling voyages in distant waters. At the time of his death, his shipping empire conducted trade with Europe, Asia, and the West Indies. Mr. Cuffe was politically active at an early age. He joined other African Americans in protesting their treatment under the Massachusetts Constitution of 1778, which held them liable for taxes even as it refused them the right to vote. As a result of their efforts, a court decided in 1783 that African Americans did have the right to vote in Massachusetts. Most of his political activity, however, came later in his life, after he had made his fortune. Mr. Cuffe used his wealth to support efforts to establish African American settlements in Sierra Leone. He established the Friendly Society to finance this endeavor, and he traveled to England and Africa to promote it. He also met with Treasury Secretary Albert Gallatin and President James Madison to seek their help. His business success enabled him to successfully pursue his political goals.

Another notable African American whose business success empowered him was James Forten. Born free in Philadelphia, the grandson of a slave, Mr. Forten attended an abolitionist school until the death of his father forced him to drop out to support his family. After serving on a privateer during the Revolutionary War, Forten apprenticed himself to a white sailmaker, Robert Bridges. He rapidly proved his ability, and Bridges made him his foreman. When Mr. Bridges retired in 1798, Mr. Forten took over the business, operating a racially integrated workplace with nearly 50 employees. Mr. Forten became a wealthy man, and he used his wealth to pursue political change. He circulated petitions protesting the fugitive slave laws. He published pamphlets opposing proposals to prohibit free blacks from settling in Pennsylvania. He was an active abolitionist, and he provided more financial support to the abolitionist cause than anyone except Arthur and Lewis Tappan. Even when he was not allowed to vote because of his race, his white employees voted for the candidates he supported on his behalf.

William Leidesdorff was another African American whose business success led to empowerment. Born on the West Indian island of St. Croix, Mr. Leidesdorff became a naturalized citizen of the United States in 1834 and began working as a ship's captain—sailing out of first New Orleans and then New York. One of his voyages left him in California, which was at that time part of Mexico, in 1841. Mr. Leidesdorff settled down in Yerba Buena, a little seaside town that would one day be renamed San Francisco, and he started a business selling local supplies to ships and importing goods which he sold to the other settlers. His business prospered, and he built the first hotel in San Francisco. As a result of his prominence in the community, Mr. Leidesdorff was appointed the American vice consul for the Port of San Francisco in 1845. Over the course of the next year, he was active in the efforts to secure California's independence from Mexico. Mr. Leidesdorff collaborated with Captain John Fremont, Commander John Montgomery, and Commodore John Sloat in driving the Mexican government out of California and in making California part of the United States. He was elected to the first San Francisco city council in 1847, and he served on the committee that set up San Francisco's first public schools. In short, his business success led to become an influential and respected community leader.

John Merrick was born into slavery in Clinton, NC, and worked for a number of years as a hod carrier and brick mason before becoming a barber and opening a barber shop in Durham, North Carolina, in 1880. The barber shop prospered, and he opened several other barber shops. Mr. Merrick became involved in providing insurance to the African American community, and he founded the North Carolina Mutual Life Insurance Company in 1898. From a modest initial investment of $350, the company grew and grew. At the time of Mr. Merrick's death in 1919, the company's policies provided more than $16 million worth of coverage. Mr. Merrick also worked successfully to establish a black-owned and operated bank, drug store, real estate company, and textile mill in his home of Durhanm, NC. Mr. Merrick became one of the leading black businessmen in the post-Reconstruction South, and he used his prominence and connections to help establish Lincoln Hospital, one of the best private hospitals for African Americans in the Jim Crow South.

Charles Clinton Spaulding left his family farm in North Carolina in the late 1800's to get an education. He began his career toiling as a dishwasher, bellboy, waiter and cook while he studied with children half his age to get the equivalent of a high school education. He persevered, and he eventually graduated from Whitted Grade School in 1898 at the age of 24. He took a job as the manager of a black-owned grocery company, but the business failed and Mr. Spaulding was plunged into debt. Despite this adversity, Mr. Spaulding persevered. He was hired by Jon Merrick in 1899 as the first employee of the North Carolina Mutual Life Insurance Company, and largely through his hard work and innovative marketing, the company was very successful. Mr. Spaulding became president of the company in 1923. At the time of his death in 1952, the company employed over 1,000 people and provided more than $165 million in insurance policies. Under Mr. Spaulding's leadership, the North Carolina Mutual Life Insurance Company became the largest black-owned business in the country.

One of the best-known African American entrepreneurs in this country was Madame C.J. Walker, who rose from poverty to become a millionaire. Born Sarah Breedlove to a poor farming family in Delta, Louisiana in 1867, she was orphaned when she was 6 years old and was raised by her older sister. She was married when she was 14, had a daughter several years later, and became a widow when she was 20. She worked as a washerwoman to support herself and her daughter for a number of years. In 1905, she developed a hair conditioner and a metal comb for straightening hair. She began selling her hair care products and other cosmetics door to door in Saint Louis, but as she became successful she developed other marketing approaches—mail order sales, franchised sales agents, and lecture tours—that allowed her business to expand to many parts of the South and the East. In 1910, Madam C.J. Walker moved her operations to Indianapolis, where she set up a large manufacturing facility. By the time she passed away in 1919, she was one of the most successful business women in the country. She used her wealth to support the NAACP, homes for the elderly and the needy, and educational opportunities for African Americans.

Another successful business woman born just after the Civil War was Maggie Lena Walker. A native of Richmond, VA, Maggie Lena Walker graduated from high school despite the early death of her stepfather. She went on to teach in a public school, work as an insurance agent, and take business courses in accounting and salesmanship. She worked her way up the hierarchy of a fraternal insurance cooperative known as the Grand United Order of St. Luke. The Order provided health and burial benefits for its members. In 1899, Mrs. Walker was named executive secretary-treasurer of this organization, and she changed its name to the Independent Order of St. Luke. Under her management, the organization grew substantially. In 1903, she established the St. Luke Penny Savings Bank and became its president. The St. Luke Penny Savings Bank grew steadily, and in 1929, it absorbed the other African American banks in Richmond under the name of the Consolidated Bank and Trust Company. Mrs. Walker served as the chairman of the Consolidated Bank and Trust Company's board of directors until her death in 1934. She organized and supported several large philanthropic organizations, and she was active in the state NAACP.

Robert L. Vann was born in the late 1800s into a poor farming family in rural North Carolina. Mr. Van steadfastly pursued his education—working his way through school and earning a law degree from the University of Pittsburgh in 1909. In 1910, he was the motivating force behind the establishment of the Pittsburgh Courier, a newspaper serving the African American community. Over the following 2 years, Mr. Vann acquired sole control of the paper and became its editor. The paper grew substantially, and its success allowed Mr. Vann to become involved in politics. He served as Assistant City Solicitor for the City of Pittsburgh from 1917 until 1921. He served as national director of outreach efforts to the African American community for the Republican presidential campaigns of 1920, 1924, and 1928. In the presidential campaign of

1932, he used his influence to encourage black voters to support Franklin Roosevelt, and as a result of his efforts he served in several capacities in the Roosevelt Administration, where he worked to increase African Americans' political power. Mr. Vann used his influence, for example, to push for racial equality in the U.S. armed forces. After leaving the administration, Mr. Vann returned to the Pittsburgh Courier, where he urged African Americans to refrain from making an allegiance with either political party. He believed that African Americans would enjoy greater political power if their votes could not be taken for granted by either political party.

Archie A. Alexander was born in Iowa in 1888. His father was a janitor. Mr. Alexander worked his way through college—studying engineering despite efforts to discourage him from pursuing this profession. He graduated from the University of Iowa in 1912 with a B.S. in civil engineering. In 1914, he set up an engineering firm, Alexander and Higbee, at the age of 26. The firm did well. Mr. Alexander continued the business on his own for several years after the death of his partner, but in 1929 he joined one of his university classmates to establish the firm of Alexander and Repass. Their business flourished, and they won and completed large projects across the country. In 1954, President Eisenhower appointed Mr. Alexander Governor of the U.S. Virgin Islands.

John H. Johnson, the noted African American publisher, was born in Arkansas, but his family moved to Chicago when he was 15 years old. His hard work in school led to an opportunity that changed his life. He was selected to speak at the 1936 Chicago Urban League banquet honoring high school seniors. His speech so impressed the main speaker, the president of the Supreme Liberty Life Insurance Company of Chicago, that he was hired to work in the company's offices. For the next four years, Mr. Johnson worked in the company's offices and studied at the University of Chicago and Northwestern University. When Mr. Johnson completed college, he went to work full-time for Supreme Liberty. In the course of his work, Mr. Johnson realized that many African Americans would be interested in buying a publication containing news about African Americans and the African American community. In 1942, he began publishing and selling a magazine named Negro Digest. The demand for this new publication was impressive. Circulation rose to more than 100,000 readers in a few short years. Mr. Johnson followed up on this success with other publications. In 1945, he brought out Ebony magazine, and in 1951, he introduced Jet. Today, he is one of American's leading publishers.

These are just a few of the more prominent African American entrepreneurs from the past 200 years. Many African Americans have successfully overcome adversity, financial challenges, and discrimination to create successful businesses. Many of these successful black entrepreneurs identified and addressed needs in the African American community that white businesses had ignored or disdained—but others like Paul Cuffee, James Forten, William Leidesdorff, and Archie Alexander competed head-to-head with white businesses quite profitably. In either case, the individuals I have mentioned were able to use their business successes to pursue social or political ends. The interesting question is how much more these entrepreneurs could have achieved had they not faced the widespread racism and race-based legal restrictions of their times.

Today, opportunities exist both within the black community and within the larger society for African American businesses to develop and grow. As we celebrate Black History Month, I believe that we should rededicate ourselves to the expansion of economic opportunities for African Americans and other minorities. Such efforts must go beyond the speeches we give here today. I believe that affirmative action and government programs that help develop minority-owned small businesses are still needed to create a ''level playing field''—they are needed to offset the impact of residual racism in our society, and to offset the effects of decades of discrimination. I urge my colleagues to act to protect, expand, and improve federal efforts to guarantee economic and educational opportunity to all Americans.

NATIONAL SEA GRANT COLLEGE PROGRAM REAUTHORIZATION ACT OF 1998

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. SENSENBRENNER. Mr. Speaker, I rise today in support of the amendment to S. 927, The National Sea Grant College Program Reauthorization Act of 1998. I think that it is especially appropriate that we bring this bill before the House early in 1998, which has been designated by the United Nations as the ''Year of the Ocean.'' I can think of no better way to enter into the spirit of this designation than by passing the Sea Grant bill before us today.

Thirty-two years ago, the National Sea Grant College Program was established by Congress to improve our understanding of the nation's marine environment and to manage marine resources better. Since then, ocean and marine science hasn't stood still, and neither should the Sea Grant program. This latest reauthorization bill is the fruit of a bipartisan effort between the Committee on Science and the Committee on Resources to update and reinvigorate the Sea Grant program and to improve the accountability of the program to the taxpayers. I believe this bill achieves both of these goals, and I urge my colleagues on both sides of the aisle to support it.

This five-year reauthorization is not much different from the H.R. 437, which passed the House overwhelmingly last June. It adds and modifies various definitions, clarifies the responsibilities of the Program Director, and outlines the duties of the Sea Grant institutions conducting Sea Grant programs. It also includes merit reviews of grant and contract applications, repeals the Sea Grant International Program, which has never been funded, and ensures peer review of research sponsored by Sea Grant. Moreover, by limiting administrative spending to no more than 5 percent of the lesser of the amount authorized or appropriated each fiscal year, the bill also will help ensure that the taxpayers' money is being spent on research, not red tape.

In addition to the base authorization for the Sea Grant program, the bill includes additional authorizations for competitive, peer-reviewed research into the problems of zebra mussels, oyster disease, and *phiesteria.* I don't have to tell you how these organisms have plagued many communities throughout America and of the economic losses they have caused. This bill will help us get the best scientific minds working to improve our understanding of these problems and to find solutions.

The Sea Grant program has contributed greatly to our knowledge of the marine environment these past three decades and has earned the support of the political and scientific community. I believe the bill the Science and Resources Committees have crafted will put the program on a sound footing for the future and, just as important, will provide the taxpayer with value for money. I urge my colleagues to support it.

Before closing, I would like to commend the gentleman from California [Mr. CALVERT], Chairman of the Science Committee's Subcommittee on Energy and the Environment, and the subcommittee's ranking member, the gentleman from Indiana [Mr. ROEMER], for their hard work on this legislation. I would also like to thank the ranking member of the Science Committee, the gentleman from California [Mr. BROWN], for his support throughout the process.

I also want to take a moment to thank the gentleman from Alaska, the Chairman of the Committee on Resources [Mr. YOUNG], and his colleagues on the Committee on Resources, including the gentleman from California [Mr. MILLER], the ranking member of the committee; the gentleman from New Jersey [Mr. SAXTON], Chairman of the Subcommittee on Fisheries, Conservation, Wildlife, and Oceans; and the gentleman from Hawaii [Mr. ABERCROMBIE], the subcommittee's ranking member. They can be proud of their handiwork.

IMPORTANCE OF RENEWABLE ENERGY IN THE UTILITY RESTRUCTURING DEBATE

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. KLUG. Mr. Speaker, legislation allowing all consumers to choose their electricity provider has been the subject of ongoing discussion during the past two sessions of Congress. It continues to be a topic that engages Congress and the American public. A majority of voters favor Congress requiring electricity companies to use renewable energy sources. In fact, almost 70% favor requiring utilities to invest in energy efficient programs. And, given a choice, 78% of Americans would be willing to pay more for non-polluting, environmentally-friendly electric power.

With this mandate, I was honored yesterday to submit a letter to Chairman BLILEY and Ranking Member DINGELL, signed by myself and 105 of my colleagues from both sides of the aisle, urging that renewable energy remain part of the overall discussion on utility restructuring. I include this letter and the list of co-signors in the record and commend it to your attention. Thank you very much.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 11, 1998.

Hon. TOM BLILEY,
Hon. JOHN D. DINGELL,
Committee on Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN BLILEY AND REPRESENTATIVE DINGELL: Maintaining a renewable energy option for America has been a public policy supported by the past four Republican and Democratic Administrations and by large bipartisan majorities in the Congress. This is so because America's clean and domestic renewable energy resources help create U.S. jobs, contribute to a cleaner environment and healthier citizenry, and strengthen U.S. energy security by increasing America's diversity of domestic fuel supplies.

As the U.S. electricity industry undergoes change, we want to reiterate our strong support for maintaining America's renewable energy option. We urge that, when the Commerce Committee moves forward with electric industry restructuring legislation, such legislation contains provisions ensuring that the American people will continue to benefit from an increased utilization of clean and domestic renewable energy resources.

Thank you for considering this request.

Sincerely,

SCOTT KLUG.
DAVID MINGE.
MATT SALMON.
KAREN THURMAN.

LIST OF MEMBERS SIGNING RENEWABLE ENERGY LETTER

Scott Klug, (R-WI); Matt Salmon, (R-AZ); David Minge, (D-MN); Karen Thurman (D-FL) Sander Levin, (D-MI); Sherwood Boehlert, (R-NY); Lucille Roybal-Allard, (D-CA); Constance Morella, (R-MD); Benjamin Cardin, (D-MD); John Lewis, (D-GA); Wayne Gilchrest, (R-MD); Vernon Ehlers, (R-MI); Peter DeFazio, (D-OR); Ronald Dellums, (D-CA); Benjamin Gilman, (R-NY); Sue Kelly, (R-NY); Sue Kelly, (R-NY); Sam Farr, (D-CA); Earl Blumenauer, (D-OR); Collin Peterson, (D-MN); Edolphus Towns, (D-NY); Lynn Woolsey, (D-CA); Maurice Hinchey, (D-NY); John Ensign, (R-NV); Lynn Rivers, (D-MI); Nita Lowey, (D-NY); Patrick Kennedy, (D-RI); Tim Holden, (D-PA); Bud Cramer, (D-AL); Chris John, (D-LA); Jane Harman, (D-CA); Jose Serrano, (D-NY); Frank Rigss, (R-CA); John Edward Porter, (R-IL); Ed Pastor, (D-AZ); Jon Fox (R-PA); Ellen Tauscher, (D-CA); Owen Pickett, (D-VA); Jim Turner, (D-TX); Roscoe Bartlett, (R-MD); Gary Ackerman, (D-NY); Pasty Mink, (D-HI); James McGovern, (D-MA); James Walsh, (R-NY); James Greenwood, (R-PA); John Shimkus, (R-IL); Elizabeth Furse, (D-OR); Earl Pomeroy, (D-ND); William Delahunt, (D-MA); Christoper Shays, (R-CT); Marion Berry, (D-AR); F. Allen Boyd, Jr., (D-FL); Henry Waxman, (D-CA); Sony Bono, (R-CA); Michael Castle, (R-DE); Tom Campbell, (R-CA); Lane Evans, (D-IL); Dale Kildee, (D-MI); Vic Fazio, (D-CA); Nathan Deal, (R-GA); Edward Markey, (D-MA): Bob Filner, (D-CA); Ray LaHood, (R-IL); James Oberstar, (D-MN); Barney Frank, (D-MA); John LaFalce, (D-NY); George Brown, (D-CA); Frank Pallone, (D-NJ); Martin Olav Sabo, (D-MN); Howard Berman, (D-CA); Esteban Torres, (D-CA); James Rogan, (R-CA); Mark Foley, (R-FL); George Miller, (D-GA); Bruce Vento, (D-MN); Jim McDermott, (D-WA); Jim Leach, (R-IA); Robert Scott, (D-VA); Eva Clayton, (D-NC); Nancy Pelosi, (D-CA); Leonard Boswell, (D-IA); Martin Meehan, (D-MA); Lloyd Doggett, (D-TX); James Clyburn, (D-SC); Bart Stupak, (D-MI); David Skaggs, (D-CO); David Bonior, (D-MI); Nancy Johnson, (R-CT); Jim Davis, (D-FL); Jerrold Nadler, (D-NY); Dennis Kucinich, (D-OH); Bill Barrett, (R-NE); Darlene Hooley, (D-OR); Bob Franks, (R-NY); John Olver, (D-MA); Thomas Ewing (R-IL); Caroylyn Maloney, (D-NY); Jim Kolbe (R-AZ); Jay Dickey, (R-AR); Rick Lazio, (R-NY); Barbara Kennelly, (D-CT); Rober Matsui, (D-CA); Bob Clement, (D-TN); Joseph Kennedy II, (D-MA); Tom Davis, (R-VA); Zoe Lofgren, (D-CA); Tom Lantos, (D-CA).

YORK COUNTY LITERACY COUNCIL

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. GOODLING. Mr. Speaker, I am pleased to recognize the efforts of the York County Literacy Council on their ''Buck A Book Week.'' This annual event was established in 1993 with the help of one of York County's radio stations, WSBA. The event has been highly successful in motivating people to read and in bringing new public awareness to the issue of literacy.

Literacy is the backbone of an education. I believe the York County Literacy Council and all the Literacy Councils in my district have done an excellent job in improving literacy. Their mission has been to serve adults who lack basic skills in reading, writing, and mathematics, and to improve collaboration among service providers. The ''Buck A Book Week'' certainly exemplifies their proactive approach to addressing the problem of illiteracy.

I believe illiteracy is one of the most serious problems facing our country. It seriously restricts the ability of individuals to participate effectively in the workforce. It has been estimated that up to 90 percent of those entering Federal training and employment programs without a high school diploma have serious literacy problems. In contrast, individuals who demonstrate higher levels of literacy skills tend to avoid long periods of unemployment, earn higher wages and work in higher skilled occupations than those at the lowest levels.

Mr. Speaker, through quality, innovative programs and the diligent efforts of individuals and community organizations such as the York County Literacy Council, the Central Pennsylvania Literacy Council, and the Adams County Literacy Council, the tragedy of illiteracy may one day become a thing of the past. I applaud these Councils on their efforts and commend them on a job well done.

THE 1996 TELECOMMUNICATIONS ACT: BLUNTED BY THE BUREAUCRACY

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. DELAY. Mr. Speaker, the biggest problem with the 1996 Telecommunications Act isn't the way it was drafted, it's the way the bureaucrats at the Federal Communications Commission (FCC) have decided to implement it.

Much of what the FCC has done has been reversed on appeal by the courts, or pulled back for reconsideration by the FCC itself. The law has been good for Washington lawyers and economists. It has been great for the paper industry. But from the public's standpoint, the new law hasn't delivered on its promises.

Maybe our basic mistake was to place an independent regulatory agency in charge of trying to promote competition. If Congress had relied on the Washington bureaucracy, instead of the marketplace, to foster competition in the airline, surface transportation, energy or banking fields, we would still be waiting for true competition in those areas.

You don't need 3 years in law school to figure out that Congress expected results. Throughout the 1996 Act, Congress imposed 90-day deadlines on the FCC to act. Why would Congress establish deadlines like that if the result were no long distance applications accepted by the FCC?

The FCC has new leadership today. Four of the five FCC Commissioners are new. It seems to me that the agency's approach over the past 2 years has been wrong. They need to try a different approach.

Mr. Speaker, I don't have any magic solutions. Coming up with solutions, after all, is why we have a FCC. Congress and the American public didn't support communications reform just to help the Washington lawyers. Something needs to be done, and soon.

COMMENDING VOLUNTEER EFFORTS DURING THE SUPER-TYPHOON PAKA

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. UNDERWOOD. Mr. Speaker, on December 16, Supertyphoon Paka destroyed or severely damaged more than 8,000 homes, injuring more than 200 people and leaving more than 3,000 families homeless. Of the homeless, more than 1,000 required temporary housing immediately. To the relief of these people, the Government of Guam Disaster Housing Office was quick to respond. The Liheng-ta Facility was put up to temporarily house the over 1,000 individuals who needed temporary shelter.

I rise today to commend and congratulate a number of individuals who have distinguished themselves in the midst of the most recent natural disaster to hit the island of Guam. I would like to submit for the record the names of the people who made this all possible, some of whom are still working at the facility as we speak.

First of all, I would like to make mention of people who managed the shelters: Mr. Robert Kelley, the director of the Disaster Housing Office; Jordan Kaye, the administrator of the Liheng-ta Facility; Ms. Marcia V. Mesa, the head nurse; and the staff officers: Cecilia S. Delgado; Doris Young; Frank D. Santos, Jr.; Greg S. Massy; Francis L.G. Damian; Isabel J. Gawel; Teresita D. Finona; Frances Diaz; David R. Duenas.

Lt. L.F. Castro was the Officer in Charge of the police officers tasked to provide security. Working under him were Sgt. II T.P. Tenorio, Operations Sergeant; Sgt. I M.P. Salas; Sgt. I D.C. Acfalle; PO3 P.H. Villanueva; PO3 M.J. Sayama; PO3 R.P. Fernandez; PO3 M.L. Mendoza; PO2 G.S. Topasna; PO2 K.S. Espinosa; PO2 M.M. Muna; PO2 W.J. Penn;

PO2 A.J. Balajadia; PO2 P.T. Atoigue; PO2 A.B. Quitugua; PO2 J.C. Borja; PO3 D.J. Arceo; PO2 H.C. Flores; PO2 A.R.B. Pierce; CO/SGT. M.A. Reyes; D/L P.R. Manley; D/L N.J. Gogo; CO1 R.L. Delfin; CO1 P.C. Aguon; CO1 M.G. Villagomez; CO1 M.D. Aguon; CO1 F.C. Quinata; DO R.L. Blas; DO J.C. Tedtaotao; P/RCT. P.R. Blas; P/RCT. D.D. Cepeda; P/RCT. J.S. Babauta; and P/RCT. R.M. Lujan.

Last but not least, I would like to commend the men and women of the Guam Air and Army National Guard and the Army Reserves for the invaluable service they provided. It was Guam's citizen soldiers and airmen who prepared and maintained the facilities. They made sure that the buildings were safe, in good condition and provided hot meals for the residents.

These men and women came from every corner of the island. Through their sense of duty, they supported and aided those who had been less fortunate. For this they should be honored and recognized. Si Yu'os Ma'ase for your public service to the victims of Typhoon Paka.

PRESIDENT'S BUDGET AND SOCIAL SECURITY

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. McINTOSH. Mr. Speaker, the President, in his State of the Union address, told the American people that he intends to devote the entire budget surplus to saving Social Security. But, the American people should know that so far his actions have not been consistent with the promise.

In fact, in his recent budget, the President has proposed to spend more on the Federal bureaucracy. That's more money for big government in Washington, D.C., not for saving Social Security and certainly not back in the pockets of hard-working Americans where it belongs.

The President proposed a 3% increase, on average, in the budgets of the 26 Federal agencies under my Subcommittee's jurisdiction alone. For some agencies the increases were larger than others—11% more for the Department of Energy and 9% more for the EPA. (I have a chart detailing the President's requests for these 26 agencies which I would like to insert into the record.) I doubt many Americans would consider it a priority to send more money to these already-bloated agencies, which will use it to create more government red tape.

Mr. Speaker, we in the Congress must not allow the President to get away with this slight of hand—he is trying to secretly use the surplus to increase big government, but get credit for using it to save Social Security. The President needs to tell the truth to the American people—they deserve to know how their money is spent.

ANALYSIS OF BUDGET REQUESTS FOR AGENCIES UNDER CONGRESSMAN McINTOSH'S OVERSIGHT[1]

[Budget Authority in millions[2]]

Department/Independent Agency	Fiscal year 1997 actual	Fiscal year 1998 budget estimate	Fiscal year 1999 budget request	Percent change fiscal year 1998–99
USDA	60,876	55,859	57,435	2.8
DOD/Army Corps of Engineers	4,157	4,098	3,258	20.5
DOC	3,759	4,149	4,955	19.4
DOE	14,082	14,458	16,063	11.1
DOI	7,411	7,926	7,867	−0.7
DOT (including Surface Transportation Board)	40,208	42,058	42,610	1.3
DOT/Surface Transportation Board	12	14		
Treasury	380,179	389,289	401,037	3.0
ARC	160	170	67	−60.6
CEA/EOP	3	4	4	0
CEQ/EOP	2	3	3	0
CFTC	55	58	63	8.6
CPSC	42	45	46	2.2
EPA	6,478	7,176	7,787	8.5
Export-Import Bank of the US	758	696	825	18.5
FDIC	−26	−44	−51	−15.9
FTC	26	24	27	12.5
NCUA	1	1		−100.0
NTSB	79	49	48	2.0
NRC	18	19	22	15.8
OPIC/ICDA	−112	−175	−176	−0.6
SEC	−62	−50	−5	90.0
SBA	838	186	680	265.6
TVA	−291	−841	−946	−12.5
USITC	41	41	46	12.2
U.S. Trade & Development Agency	54	42	50	19.0
USTR/EOP	21	23	25	8.7
Total[4]	518,757	525,264	541,740	3.1

[1] The Delaware River Basin Commission, Freddie Mac, the Susquehanna River Basin Commission, and the Thrift Depositor Protection Oversight Board are not included in the President's Budget because they are classified as being private; the Federal Reserve System is not included in the President's Budget because of its unique status in the conduct of monetary policy.

[2] Source: Analytical Perspectives, Budget of the U.S. Government Fiscal Year 1999.

[3] Treasury, USDA, and DOT account for 92.5% of the FY 99 budget request under Congressman McIntosh's oversight.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S679–S794

Measures Introduced: Twenty-eight bills and five resolutions were introduced, as follows: S. 1635–1662, S. Res. 176–178, and S. Con. Res. 76 and 77. **Pages S730–31**

Measures Reported: Reports were made as follows:

S. 1248, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for vessel SUMMER BREEZE. (S. Rept. No. 105–161)

S. 1272, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel ARCELLA. (S. Rept. No. 105–162)

S. 1235, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel registered as State of Oregon official number OR 766 YE. (S. Rept. No. 105–163)

S. Res. 148, designating 1998 as the ''Onate Cuartocentenario'', the 400th anniversary commemoration of the first permanent Spanish settlement in New Mexico, with an amendment in the nature of a substitute. **Page S730**

Measures Passed:

Recognizing Vietnam POW's: Senate agreed to S. Res. 177, recognizing, and calling on all Americans to recognize, the courage and sacrifice of the members of the Armed Forces held as prisoners of war during the Vietnam conflict and stating that the American people will not forget that more than 2,000 members of the Armed Forces remain unaccounted for from the Vietnam conflict and will continue to press for the fullest possible accounting for all such members whose whereabouts are unknown. **Pages S716–19**

Legal Counsel Representation: Senate agreed to S. Res. 178, to authorize production of Senate documents and representation by Senate Legal Counsel in *United States f.u.b.o. Kimberly Industries, Inc., et al.* v. *Trafalgar House Construction, Inc. et al.* **Pages S790–91**

National Sea Grant College Program Reauthorizations: Senate concurred in the amendment of the House to S. 927, to reauthorize the Sea Grant Program, clearing the measure for the President. **Pages S726–27**

Energy Policy and Conservation: Senate concurred in the amendment of the House to the amendment of the Senate to H.R. 2472, to extend certain programs under the Energy Policy and Conservation Act, with the following amendment: **Pages S728–29**

Coverdell (for Murkowski) Amendment No. 1645, in the nature of a substitute. **Pages S728–29**

Senate insisted on its amendment and requested a conference with the House thereon. **Page S729**

Military Construction Appropriations—Veto Message—Agreement: A unanimous-consent time-agreement was reached providing for the consideration of the veto message to accompany H.R. 2631, disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45, on Wednesday, February 25, 1998. **Page S727**

Authority for Committees: Committees were authorized to file executive and legislative reports during the adjournment of the Senate on Thursday, February 19, 1998, from 10 a.m. until 3 p.m., with an exception. **Pages S727–28**

Nominations Confirmed: Senate confirmed the following nominations:

Michael B. Thornton, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

Donald C. Lubick, of Maryland, to be an Assistant Secretary of the Treasury.

L. Paige Marvel, of Maryland, to be a Judge of the United States Tax Court for a term of fifteen years after she takes office.

Richard W. Fisher, of Texas, to be Deputy United States Trade Representative, with the rank of Ambassador. **Pages S725–26, S794**

Nominations Received: Senate received the following nominations:

7 Navy nominations in the rank of admiral.

Routine list in the Air Force. **Pages S793–94**

Nominations Withdrawn: Senate received notification of the withdrawal of the following nominations:

John H. Bingler, Jr., of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania, which was sent to the Senate on July 31, 1997.

Lynne Lasry, of California, to be United States District Judge for the Southern District of California, which was sent to the Senate on February 12, 1997. **Pages S729, S794**

Messages From the House: **Page S730**

Executive Reports of Committees: **Page S730**

Statements on Introduced Bills: **Pages S731–69**

Additional Cosponsors: **Pages S769–70**

Amendments Submitted: **Page S777**

Notices of Hearings: **Pages S777–78**

Authority for Committees: **Page S778**

Additional Statements: **Pages S778–90**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 5:31 p.m., until 10 a.m., on Friday, February 13, 1998, for a pro forma session.

Committee Meetings

(Committees not listed did not meet)

AUTHORIZATION—DEFENSE

Committee on Armed Services: Committee resumed hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on Air Force programs, receiving testimony from F. Whitten Peters, Acting Secretary of the Air Force; and Gen. Michael E. Ryan, USAF, Chief of Staff of the Air Force.

Committee recessed subject to call.

UNFUNDED MANDATES

Committee on the Budget: Committee concluded hearings on the implementation of the Unfunded Mandates Reform Act (P.L. 104–4), and on S. 389 and provisions of H.R. 1010, measures to establish a point of order against congressional consideration of bills that contain private-sector mandates with costs over the $100 million threshold, regardless of whether federal funding is provided, and to direct the Congressional Budget Office to provide expanded cost information for private-sector mandates above the threshold, after receiving testimony from Representatives Condit and Portman; James L. Blum, Deputy Director, Congressional Budget Office; R. Bruce Josten, U.S. Chamber of Commerce, and Sharon Buccino, Natural Resources Defense Council, both of Washington, D.C.; and John Nicholson, Company Flowers, Arlington, Virginia.

NOMINATION

Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nomination of Winter D. Horton Jr., of Utah, to be a Member of the Board of Directors of the Corporation for Public Broadcasting, after the nominee, who was introduced by Senator Bennett, testified and answered questions in his own behalf.

SATELLITE CARRIER FEES

Committee on Commerce, Science, and Transportation: Committee concluded hearings on S. 1422, to provide for a one-year delay in an increase in the copyright fees satellite carriers pay for superstation and network affiliate signals delivered to satellite TV households, after receiving testimony from Fritz Attaway, Motion Picture Association of America, and Gene Kimmelman, Consumers Union, both of Washington, D.C.; Eddy W. Hartenstein, DirecTV, Inc., El Segundo, California; and Larry Wetsit, Nemont Telephone Cooperative, Inc./Nemont Communications, Inc., Scobey, Montana.

AIRPORT IMPROVEMENT PROGRAM

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation concluded hearings on proposed legislation authorizing funds for the Airport Improvement Program, after receiving testimony from Todd Hauptli, American Association of Airport Executives, Alexandria, Virginia; David Plavin, Airports Council International-North America, and Edward A. Merlis, Air Transport Association of America, both of Washington, D.C.; Robert Kunkel, National Association of State Aviation Officials, Silver Spring, Maryland; and David Roberts, BAA Indianapolis, Indianapolis, Indiana.

PUBLIC LANDS/NATIONAL MONUMENTS

Committee on Energy and Natural Resources: Subcommittee on National Parks, Historic Preservation, and Recreation concluded hearings on S. 62, to prohibit further extension or establishment of any national monument in Idaho without full public participation and an express Act of Congress, S. 477, to require an Act of Congress and the consultation with the Governor and State legislature prior to the establishment by the President of national monuments in excess of 5,000 acres, S. 691, to ensure that the public and the Congress have the right and opportunity to participate in decisions that affect the use and management of all public lands, H.R. 901, to preserve the sovereignty of the U.S. over public lands

and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands, and H.R. 1127, to provide for congressional review of national monument status and consultation, after receiving testimony from John D. Leshy, Solicitor, Department of the Interior; Rafe Pomerance, Deputy Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs; William Perry Pendley, Mountain States Legal Foundation, and John F. Shepherd, Holland and Hart, both of Denver, Colorado; and Edward M. Norton, National Trust for Historic Preservation, and Theodore Roosevelt, IV, Lehman Brothers, on behalf of the National Parks and Conservation Association, both of Washington, D.C.

ASIAN FINANCIAL CRISIS

Committee on Foreign Relations: Committee held hearings to examine the International Monetary Fund's role in the Asia financial crisis, receiving testimony from Robert E. Rubin, Secretary, and Lawrence H. Summers, Deputy Secretary, both of the Department of the Treasury; and Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System.

Hearings were recessed subject to call.

DISTRICT OF COLUMBIA ADOPTION REFORM

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia concluded hearings to examine certain recommendations to reform the adoption and foster care system in the District of Columbia, after receiving testimony from Representative Camp; Rochelle Chronister, Kansas Department of Social and Rehabilitation Services, Topeka; and Ernestine F. Jones, District of Columbia Child and Family Services, Judith Meltzer, Center for the Study of Social Policy, Thomas Wells, Consortium for Child Welfare, Debora D. Caruth, and Gordon Henry Gosselink, all of Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

The nominations of Jeremy D. Fogel, to be United States District Judge for the Northern District of California, Edward F. Shea, to be United States District Judge for the Eastern District of Washington, Richard L. Young, to be United States District Judge for the Southern District of Indiana, Beverly Baldwin Martin, to be United States Attorney for the Middle District of Georgia, and Hiram Arthur Contreras, to be United States Marshal for the Southern District of Texas; and

S. Res. 148, designating 1998 as the ''Onate Cuartocentenario'', the 400th anniversary commemoration of the first permanent Spanish settlement in New Mexico, with an amendment in the nature of a substitute.

AUTHORIZATION—EDUCATION OF THE DEAF ACT

Committee on Labor and Human Resources: Committee concluded hearings on proposed legislation authorizing funds for Gallaudet University and the National Technical Institute for the Deaf as contained in the Education of the Deaf Act, after receiving testimony from Judith E. Heumann, Assistant Secretary of Education for Special Education and Rehabilitative Services; I. King Jordan, Gallaudet University, Robert R. Da Vila, National Technical Institute for the Deaf, Sarah E. Snyder, Alexander Graham Bell Association for the Deaf, and Nancy J. Bloch, National Association of the Deaf, all of Washington, D.C.; Megan Clancy, Boston, Massachusetts; Mollie Easter, Algona, Iowa; Rebecca Ellis, Putney, Vermont, Meghan Rainone, Marlton, New Jersey; Matthew Hamill, Loveland, Ohio; and Kathryn Hoheusle, Bethel, New York.

IRS REFORM: TAXPAYER RIGHTS

Committee on Small Business: Committee held hearings on proposals to restructure and reform the Internal Revenue Service and improve taxpayer rights, including the proposed Putting the Taxpayer First Act of 1998, receiving testimony from C. Virginia Kirkpatrick, CVK Personnel Management and Training Specialists, and Edith B. Quick, Quick Tax and Accounting Service, both of St. Louis, Missouri; Ron Morgan, Husch and Eppenberger, Kansas City, Missouri; Roger N. Harris, Padgett Business Services, Athens, Georgia; Jack Doll, Marjon, Inc., Frederick, Maryland, on behalf of the National Federation of Independent Business; and Nancy Workman, Workman Construction Company, and Elizabeth A. Nielson, Nielson & Associates, both of Salt Lake City, Utah.

Hearings were recessed subject to call.

TOBACCO SETTLEMENT: NATIVE AMERICAN PROVISIONS

Committee on Indian Affairs: Committee concluded hearings on proposed tobacco settlement provisions with regard to tobacco-related activities on Indian lands as contained in S. 1414 and S. 1530 (both pending on Senate calendar), and S. 1415, bills to reform and restructure the process by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, and to redress the adverse health effects of tobacco use, after receiving testimony from W. Craig

Vanderwagen, Director, Clinical and Preventive Services, Office of Public Health, Indian Health Service, Department of Health and Human Services; Thomas LeClaire, Director, Office of Tribal Justice, Department of Justice; Washington State Attorney General Christine Gregoire, Olympia; Colorado Attorney General Gale Norton, Denver; Gary Lasley, Omaha Tribe of Nebraska, Macy; Mark Hutton, Hutton & Hutton, Wichita, Kansas, on behalf of the Lower Brule Sioux Tribe; Alex Tallchief Skibine, University of Utah College of Law, Salt Lake City; and Franklin Ducheneaux, Ducheneaux, Taylor & Associates, Washington, D.C.

House of Representatives

Chamber Action

Bills Introduced: 40 public bills, H.R. 3205–3244; 1 private bill, H.R. 3245; and 10 resolutions, H. Con. Res. 218–222 and H. Res. 360–364, were introduced. **Pages H495–97**

Reports Filed: No reports were filed today.

Guest Chaplain: The prayer was offered by the guest Chaplain, the Reverend Dr. Donald F. Christian of Fairfax, Virginia. **Page H449**

Journal: By a yea and nay vote of 353 yeas to 43 nays with 1 voting ''present'', Roll No. 14, the House agreed to the Speaker's approval of the Journal of Wednesday, February 11. **Pages H449–50**

Dismissing Election Contest: The House agreed to H. Res. 355, dismissing the election contest against Loretta Sanchez by a yea and nay vote of 378 yeas to 33 nays, Roll No. 16. **Pages H453–64**

By a yea and nay vote of 194 yeas to 215 nays, Roll No. 15, rejected the Hoyer motion to recommit the bill to the Committee on House Oversight with instructions to report it back to the House forthwith with an amendment to strike the preamble. **Pages H463–64**

Suspension Failed—Voter Eligibility Verification Act: By a yea and nay vote of 210 yeas to 200 nays (with two-thirds required for passage), Roll No. 17, the House failed to suspend the rules and pass H.R. 1428, amended, to amend the Immigration and Nationality Act to establish a system through which the Commissioner of Social Security and the Attorney General respond to inquiries made by election officials concerning the citizenship of voting registration applicants and to amend the Social Security Act to permit States to require individuals registering to vote in elections to provide the individual's Social Security number. **Pages H464–77**

Recognizing POWs During Vietnam Conflict: The House agreed to H. Res. 360, recognizing the courage and sacrifice of the members of the Armed Forces held as prisoners of war during the Vietnam conflict. **Pages H477–84**

George Washington's Birthday Observance: Agreed that it be in order for the Speaker to appoint two members of the House, one upon the recommendation of the Minority Leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on Monday, February 23, 1998. **Page H485**

Calendar Wednesday: Agreed that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 25, 1998. **Page H485**

Resignations—Appointments: Agreed that notwithstanding any adjournment of the House until Tuesday, February 24, 1998, the Speaker, Majority Leader and Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House. **Page H485**

Recess: The House recessed at 3:40 and reconvened at 5:05 p.m. **Page H490**

Quorum Calls—Votes: Four yea and nay votes developed during the proceedings of the House today and appear on pages H449–50, H463–64, H464, and H477. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and pursuant to H. Con. Res. 201, adjourned at 5:35 p.m. until 12:30 p.m. on Tuesday, February 24 for Morning Hour Debates.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on the Secretary of Agriculture. Testimony was heard from Dan Glickman, Secretary of Agriculture.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on the Secretary of Labor. Testimony was heard from Alexis M. Herman, Secretary of Labor.

LEGISLATIVE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative held a hearing on the Joint Committee on Printing. Testimony was heard from Representative Ney.

The Subcommittee also continued appropriation hearings. Testimony was heard from Members of Congress and public witnesses.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held an Overview hearing. Testimony was heard from William J. Lynn, III, Under Secretary (Comptroller), Department of Defense.

NATIONAL SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on National Security held a hearing on Medical Programs. Testimony was heard from Edward D. Martin, M.D., Acting Secretary, Health Affairs, Department of Defense.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on the Office of Inspector General. Testimony was heard from Kenneth Meade, Inspector General, Department of Transportation; and John Anderson, Director, Transportation Issues, Resources, Community and Economic Development Division, GAO.

VA-HUD-INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies held a hearing on the following: Chemical Safety and Hazard Investigation Board; DOD-Civil, Cemeterial Expenses, Army and on the Council on Environmental Quality. Testimony was heard from Paul Hill, Jr., Chair and CEO, Chemical Safety and Hazard Investigation Board; the following officials of Arlington National Cemetery: John Metzler, Superintendent; Rory Smith, Budget Office; Claudia Tornblom, Acting Deputy Assistant Secretary, Management and Budget; John Zirschky, Acting Assistant Secretary, Civil Works, Department of the Army; and Kathleen McGinty, Chair, Council on Environmental Quality.

NAZI GOLD; COMMITTEE BUSINESS

Committee on Banking and Financial Services: Held a hearing on the restitution of art objects seized by the Nazi from Holocaust victims and on insurance claims of certain Holocaust victims and their heirs. Testimony was heard from Senators D'Amato, Specter and Torricelli; Representatives Foley and Engel; Stephen E. Weil, Emeritus Senior Scholar, Smithsonian Institution; and public witnesses.

The Committee also considered pending Committee business.

CLONING—LEGAL, MEDICAL, ETHICAL, AND SOCIAL ISSUES

Committee on Commerce: Subcommittee on Health and Environment held a hearing on Cloning: Legal, Medical, Ethical, and Social Issues. Testimony was heard from Senator Frist; Representative Ehlers; and public witnesses.

MOLTEN METAL TECHNOLOGY FUNDING

Committee on Commerce: Subcommittee on Oversight and Investigations held a hearing on the Department of Energy's Funding of Molten Metal Technology. Testimony was heard from public witnesses.

CONTRACT AGREEMENTS—OVERSIGHT INVESTIGATION—TEAMSTERS ELECTION

Committee on Education and the Workforce: Approved Contract Agreements with those providing services to the Committee in relation to the oversight investigation of the International Brotherhood of Teamsters election.

MISCELLANEOUS MEASURES; PATIENT ACCESS ALTERNATIVE TREATMENTS; COMMITTEE BUSINESS

Committee on Government Reform and Oversight: Ordered reported the following measures:

H.R. 3120, amended, to designate the United States Post Office located at 95 West 100 South Street in Provo, Utah, as the ''Howard C. Nielson Post Office Building''; H.R. 2766, to designate the United States Post Office located at 215 East Jackson Street in Painsville, Ohio, as the ''Karl Bernal Post Office Building''; H.R. 2773, to designate the facility of the United States Postal Service located at 3750 North Kedzie Avenue in Chicago, Illinois, as the ''Daniel J. Doffyn Post Office Building''; H.R. 2836, to designate the building of the United States Postal Service located at 180 East Kellogg Boulevard in Saint Paul, Minnesota, as the ''Eugene J. McCarthy Post Office Building''; S. 916, to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the ''Blaine H. Easton Post Office Building''; and S. 985, to designate the post office located at 194

Ward Street in Paterson, New Jersey, as the Larry Coby Post Office''.

The Committee concluded hearings on Patient Access to Alternative Treatments: Beyond the FDA. Testimony was heard from Representatives DeFazio and Moran of Virginia; Ed Gochenour, Senator, State of Georgia; and public witnesses.

The Committee also considered pending committee business.

MISCELLANEOUS MEASURES

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology approved for full Committee action amended H.R. 2982, Quality Child Care for Federal Employees.

Prior to this action, the Subcommittee concluded hearings on this legislation. Testimony was heard from Representative Gilman.

The Subcommittee also held a hearing on H.R. 2883, Government Performance and Results Act Technical Amendments of 1997. Testimony was heard from J. Christopher Mihm, Assistant Director, Federal Management and Workforce Issues, General Government Division, GAO; G. Edward DeSeve, Acting Deputy Director, OMB; and public witnesses.

OVERSIGHT—PENSION SECURITY

Committee on Government Reform: Subcommittee on Human Resources held an oversight hearing on Pension Security: DOL Erisa Enforcement and the Limited Scope Audit Exemption. Testimony was heard from the following officials of the Department of Labor: Olena Berg, Assistant Secretary, Pension and Welfare Benefits Administration; and Patricia Dalton, Deputy Inspector General; David L. Clark, Director, Audit Oversight and Liaison, GAO; and public witnesses.

INTERNATIONAL AFFAIRS BUDGET

Committee on International Relations: Held a hearing on the Administration's Fiscal Year 1999 International Affairs Budget request. Testimony was heard from Madeleine K. Albright, Secretary of State.

SRI LANKA ANNIVERSARY; CENTRAL ASIAN REPUBLICS—U.S. INTERESTS

Committee on International Relations: Subcommittee on Asia and the Pacific approved for full Committee action H. Res. 350, congratulating the people of Sri Lanka on the occasion of the fiftieth anniversary of their nation's independence.

The Subcommittee also held a hearing on U.S. Interests in the Central Asian Republics. Testimony was heard from Robert W. Gee, Assistant Secretary, Policy, Department of Energy; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Subcommittee on International Operations and Human Rights approved for full Committee action the following measures: H.R. 2678, amended, International Child Labor Elimination Act of 1997; and S. Con. Res. 37, expressing the sense of Congress that Little League Baseball Inc. was established to support and develop Little League baseball worldwide and should be entitled to all of the benefits and privileges available to nongovernmental international organizations.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on the following bills: H.R. 2604, Religious Liberty and Charitable Donation Protection Act of 1997; and H.R. 2611, Religious Fairness in Bankruptcy Act of 1997. Testimony was heard from Senator Grassley; Representatives Chenoweth and Packard; and public witnesses.

MISCELLANEOUS MEASURES; OVERSIGHT—INTERNET DOMAIN

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property held a hearing on the following bills: H.R. 2652, Collections of Information Antipiracy Act; and H.R. 3163, Trade Dress Protection Act; and an oversight hearing on Internet Domain Name Trademark Protection. Testimony was heard from public witnesses.

U.S. NATIONAL SECURITY THREATS

Committee on National Security: Held a hearing on Threats to United States National Security. Testimony was heard from the following former Directors of the CIA: James Woolsey; and John Deutch.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans approved for full Committee action the following bills: H.R. 2807, amended, Rhino and Tiger Product Labeling Act; H.R. 3113, Rhinoceros and Tiger Conservation Reauthorization Act of 1998; and H.R. 3164, amended, Hydrographic Services Improvement Act of 1998.

OVERSIGHT—TUCSON ROD AND GUN CLUB

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on Tucson Rod and Gun Club, Arizona. Testimony was heard from the following officials of the Forest Service, USDA: Michael Dombeck, Chief, and Robert Joslin, Chief, National Forest Systems; and public witnesses.

ROAD FROM KYOTO

Committee on Science: Continued hearings on the Road from Kyoto Part 2: Kyoto and the Administration's Fiscal Year 1999 Budget request. Testimony was heard from John H. Gibbons, Assistant to the President for Science and Technology and Director, Office of Science and Technology Policy; Ernest J. Moniz, Under Secretary, Department of Energy; David M. Gardiner, Assistant Administrator, Policy, Planning and Evaluation, EPA; and Gary R. Bachula, Acting Under Secretary, Technology, Department of Commerce.

SPACE TRANSPORTATION TECHNOLOGY

Committee on Science: Subcommittee on Space and Aeronautics held a hearing on Aeronautics and Space Transportation Technology. Testimony was heard from the following officials of NASA: Richard S. Christiansen, Acting Associate Administrator, Aeronautics and Advanced Space Transportation Technology; and Gary E. Payton, Deputy Associate Administrator (Space Transportation Technology); and a public witness.

REGULATORY FLEXIBILITY ACT COMPLIANCE

Committee on Small Business: Held a hearing to examine Federal Agency compliance with section 610 of the Regulatory Flexibility Act. Testimony was heard from L. Nye Stevens, Director, Federal Management and Workforce Issues, GAO; Enrique Figueroa, Administrator, Agricultural Marketing Service, USDA; Nancy E. McFadden, General Counsel, Department of Transportation; Debra A. Valentine, General Counsel, FTC; and a public witness.

VA BUDGET

Committee on Veterans' Affairs: Held a hearing on the Department of Veterans Affairs budget request for FY 1999. Testimony was heard from Frank Q. Nebeker, Chief Judge, U.S. Court of Veterans Appeals; Espiridion Borrego, Assistant Secretary, Veterans' Employment and Training Service, Department of Labor; representatives of veterans organizations; and a public witness.

REDUCE FEDERAL TAX BURDEN

Committee on Ways and Means: Concluded hearings on ways to reduce the Federal tax burden on the American public. Testimony was heard from Representatives Hulshof and Kucinich; and public witnesses.

AGRICULTURE TRADE BARRIERS

Committee on Ways and Means: Subcommittee on Trade held hearing on U.S. efforts to reduce barriers to trade in agriculture. Testimony was heard from Representative Thurman; Gus Schumacher, Under Secretary, Farm and Foreign Agricultural Services, USDA; Peter L. Scher, Special Trade Negotiator, Office of the U.S. Trade Representative; and public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D73)*

H.R. 1271, to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 and 1999. Signed February 11, 1998. (P.L. 105–155)

H.R. 3042, to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training. Signed February 11, 1998. (P.L. 105–156)

S. 1349, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PRINCE NOVA. Signed February 11, 1998. (P.L. 105–157)

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 13, 1998

Senate

No committee meetings are scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE
10 a.m., Friday, February 13

Senate Chamber

Program for Friday: Senate will meet in pro forma session.

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Tuesday, February 24

House Chamber

Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

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